### SPECIAL COMMITTEE REPORTS

## Spec. Com. Rep. No. 1

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, and finds that the following persons have been legally elected and are fully qualified to sit as members of the Senate.

The newly elected Senator whose respective term of office will expire on November 3, 2020, is:

Nineteenth Senatorial District

Kurt Fevella

The newly elected Senators whose respective terms of office will expire on November 8, 2022, are:

First Senatorial District

Kaiali'i Kahele

Third Senatorial District

Dru Mamo Kanuha

Fourth Senatorial District

Lorraine R. Inouye

Sixth Senatorial District

Rosalyn H. Baker

Seventh Senatorial District

J. Kalani English

Twelfth Senatorial District

Sharon Y. Moriwaki

Sixteenth Senatorial District

Breene Harimoto

Seventeenth Senatorial District

Clarence K. Nishihara

Eighteenth Senatorial District

Michelle N. Kidani

Twenty-First Senatorial District

Maile S.L. Shimabukuro

Twenty-Third Senatorial District

Gil Riviere

Twenty-Fourth Senatorial District

Jarrett Keohokalole

Signed by Senators Chang, Dela Cruz, and Keith-Agaran, members of the Committee on Credentials

#### CONFERENCE COMMITTEE REPORTS

### Conf. Com. Rep. 1 on H.B. No. 2

Your Committee on Conference has approved a Conference Draft of the executive budget that appropriates \$15,356,469,263 in all funds, inclusive of \$7,925,622,466 in general funds, for fiscal year 2019-2020 and \$15,543,655,581 in all funds, inclusive of \$8,141,445,737 in general funds, for fiscal year 2020-2021.

	Fiscal Year 2019-2020		Fiscal Year 2020-2021	
	All Funds	General Funds	All Funds	General Funds
Executive Budget Act 53, SLH 2018	\$14,438,080,109	\$7,512,285,586	\$14,438,080,109	\$7,512,285,586
Net Change	\$918,389,154	\$413,336,880	\$1,105,575,472	\$629,160,151
Total Appropriation	\$15,356,469,263	\$7,925,622,466	\$15,543,655,581	\$8,141,445,737

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran, English, Harimoto, Inouye, Kahele, Kanuha, Kidani, Moriwaki, Riviere, Shimabukuro, Taniguchi and Fevella.

Managers on the part of the Senate.

Ayes, 13. Noes, none. Excused, none.

Representatives Luke, Cullen, Eli, Gates, Hashimoto, Holt, Kitagawa, B. Kobayashi, Matayoshi, Nakamura, Nishimoto, Todd, Wildberger, Yamashita and McDermott.

Managers on the part of the House.

Ayes, 13. Noes, none. Excused, 2 (B. Kobayashi, Nakamura).

#### Conf. Com. Rep. 2 on H.B. No. 330

The purpose of this measure is to appropriate funds for the counties of Kauai, Hawaii, and Maui to support youth suicide early intervention, prevention, and education initiatives.

Your Committee on Conference has amended this measure by:

- (1) Removing specific references to the counties of Kauai, Hawaii, and Maui to allow for statewide youth suicide early intervention, prevention, and education initiatives;
- (2) Appropriating \$150,000 for the youth suicide early intervention, prevention, and education initiatives;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee on Conference notes that the intent of this measure is to support efforts to reduce the rates of youth suicide attempts on a statewide level.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 330, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 330, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Baker, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Nakamura, Eli, Gates, Morikawa, Todd and Ward.

Managers on the part of the House.

Ayes, 6. Noes, none. Excused, 1 (Ward).

## Conf. Com. Rep. 3 on H.B. No. 170

The purpose of this measure is to provide additional clarity and consistency in the administration and enforcement of the State's ethics laws and promote integrity in state government. Specifically, this measure:

- (1) Clarifies the application of the fair treatment and conflict of interest laws with respect to legislators and task force members;
- (2) Requires the State Ethics Commission to adopt rules regarding the fair treatment laws and the public disclosures required of task force members.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 170, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 170, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kim and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Lee, Morikawa and Thielen.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 4 on H.B. No. 1028

The purpose of this measure is to expand the types of revenues the Department of Land and Natural Resources may receive to create additional revenue for endangered species protection.

Your Committee on Conference has amended this measure by making a technical, nonsubstantive amendment for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1028, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1028, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Kahele, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Yamane, Wildberger, Har and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Yamane, Thielen).

## Conf. Com. Rep. 5 on S.B. No. 1037

The purpose of this measure is to amend the offense of abuse of a family or household member by amending the type of physical abuse that constitutes strangulation to include blocking the nose and mouth or applying pressure to the chest, as well as clarifying that bodily injury must result.

Your Committee on Conference finds that strangulation is highly dangerous and potentially deadly form of abuse. Your Committee on Conference further finds that including blockage of the nose and mouth or applying pressure to the chest as additional possible elements to establish the crime will enable more successful prosecution of strangulation cases in the context of domestic violence. Your Committee on Conference notes that, although this measure explicitly provides that bodily injury need not be visible to establish the offense, it is not the intention of your Committee on Conference that other offenses that include bodily injury as an element be construed to require visible bodily injury.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1037, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1037, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Gabbard).

Representatives Lee, Morikawa, San Buenaventura and Thielen.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 6 on S.B. No. 413

The purpose of this measure is to specify that, for purposes of making a complaint for criminal trespass in the second degree on commercial premises, evidence of a prior "reasonable warning or request" to leave the premises may be evidenced by a copy of the previously issued written warning or request, whether or not the copy is posted at the premises or retained by the county police department.

Your Committee on Conference finds that police officers enforcing the law against a person who has previously been issued a reasonable warning or request to leave and who subsequently violates that warning or request have sometimes required the owner or lessee of the commercial premises to be present and in possession of the original copy of the prior written warning or request to leave, before allowing a complaint to be made. This measure will clarify that a copy of a reasonable warning or request is sufficient for the purposes of making a complaint for criminal trespass in the second degree on commercial premises.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 413, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 413, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Gabbard).

Representatives Lee, Brower, Morikawa, Say and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Brower, Say).

#### Conf. Com. Rep. 7 on S.B. No. 947

The purpose of this measure is to prohibit the disability of a parent or caregiver from being the sole factor in determining fitness as a foster parent, adoptive parent, guardian, parent seeking custody or visitation, or provider of a safe family home.

Your Committee on Conference finds that the court makes a decision regarding the custody, visitation, adoption, or guardianship of a child based on the welfare and best interests of the child. However, in making that determination, the disability of a parent or guardian should not be the basis for denial or restriction of custody, visitation, adoption, or guardianship of a child. This measure expressly prohibits the disability of a parent or guardian from being the sole factor in determining fitness.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 947, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 947, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Rhoads, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives San Buenaventura, Lee and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 8 on S.B. No. 1525

The purpose of this measure is to make permanent the licensure requirements for home care agencies licensed by the Department of Health.

Your Committee on Conference finds that home care agencies provide home-based non-health care services that enable independent but elderly or disabled persons to remain in their homes. Under existing law, Department of Health licensure requirements for home care agencies include background checks on home care operators and workers and require caregivers to receive instructions and oversight from the home care agency supervisor. Your Committee on Conference further finds that making the Department of Health's licensure requirements for home care agencies permanent is necessary to safeguard the health, safety, and welfare of home care clientele.

Your Committee on Conference has amended this measure by changing its effective date to June 29, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1525, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1525, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Takumi, Lee, Say and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Ward).

# Conf. Com. Rep. 9 on S.B. No. 494

The purpose of this measure is to dispose of excess general fund revenues pursuant to Article VII, section 6 of the State Constitution.

Specifically, this measure:

- (1) Provides for an income tax credit to every resident individual taxpayer of the State;
- (2) Makes a nominal deposit into the emergency and budget reserve fund established pursuant to section 328L-3, Hawaii Revised Statutes; and

(3) Makes a nominal deposit into the other post-employment benefits trust fund established pursuant to section 87A-42, Hawaii Revised Statutes.

Your Committee on Conference finds that the timely passage of this measure aligns with the Legislature's requirement to dispose of excess general fund revenues pursuant to Article VII, Section 6, of the State Constitution.

Your Committee has amended this measure by:

- (1) Making a deposit of \$5,000,000 into the emergency budget and reserve fund;
- (2) Deleting provisions for an individual income tax credit and a deposit into the other post-employment benefits trust fund;
- (3) Making the measure effective on July 1, 2019; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 494, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 494, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Luke, Cullen and McDermott. Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 10 on H.B. No. 551

The purpose of this measure is to extend the lapse dates to June 30, 2020, for funds appropriated to:

- (1) The University of Hawaii to conduct a comprehensive statewide study of sewage contamination in nearshore marine areas; and
- (2) The Department of Health to conduct research or gather technical assistance on issues identified by the Cesspool Conversion Working Group in completing its comprehensive cesspool conversion plan.

Your Committee on Conference has amended this measure by:

- (1) Changing the lapse dates for funds appropriated to the University of Hawaii to conduct its study and the Department of Health to conduct research or gather technical assistance to June 30, 2021;
- (2) Extending the deadline for the Cesspool Conversion Working Group (Working Group) to submit its interim reports to the Legislature to no later than twenty days prior to the convening of the Regular Sessions of 2021 and 2022 and its final report to the Legislature to no later than sixty days prior to the Regular Session of 2023;
- (3) Extending the sunset date of the Working Group to January 14, 2023;
- (4) Extending the deadline for the University of Hawaii Water Resources Research Center and Department of Health to submit their report on sewage contamination in nearshore marine areas to the Working Group and the Legislature to no later than twenty days prior to the convening of the Regular Session of 2022;
- (5) Changing its effective date to June 29, 2019; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 551, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 551, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Kim, English and Fevella. Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Wildberger, Tarnas and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Thielen).

## Conf. Com. Rep. 11 on S.B. No. 566

The purpose of this measure is to prevent the attachment of objects to fences and other structures without permission, and to facilitate the removal of objects attached in this manner, by prohibiting unauthorized attachment of an object to a fence, gate, or wall.

Your Committee on Conference finds that objects, such as tents and other structures, that obstruct public sidewalks are increasingly being anchored or attached to adjacent personal property, such as fences belonging to private owners of the personal or real property the fence is situated on. Your Committee on Conference further finds that existing law does not appear to empower law enforcement officers to detach these objects from private property.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 566, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 566, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kim, Wakai and Fevella. Ayes, 3. Noes, none. Excused, 1 (Kim).

Managers on the part of the Senate.

Representatives Lee, Morikawa, San Buenaventura and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (San Buenaventura).

## Conf. Com. Rep. 12 on S.B. No. 1210

The purpose of this measure is to adopt the National Association of Insurance Commissioners' (NAIC) Corporate Governance Annual Disclosure Model Act and revisions to the Insurance Holding Company System Regulatory Act to meet accreditation requirements.

Your Committee on Conference finds that this measure updates and improves various areas of the State's insurance laws and is necessary to maintain accreditation with the NAIC. Specifically, this measure adopts the NAIC's Corporate Governance Annual Disclosure Model Act, which ensures that sufficient information on insurers' corporate governance standards is available to assess insurer solvency on an annual basis. This measure also adopts revisions to the NAIC's Insurance Holding Company System Regulatory Act, which provides clear legal authority to a designated state to act as the group-wide supervisor for an internationally active insurance group.

Your Committee on Conference has amended this measure by changing its effective date to January 1, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1210, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1210, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keohokalole and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Keohokalole).

Representatives Takumi, Nakamura, Cachola and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

## Conf. Com. Rep. 13 on S.B. No. 772

The purpose of this measure is to:

- (1) Repeal the requirement that there be attached a clear and legible notice, placard, or marker of certain information upon the faucet, spigot, or outlet from which draft beer is drawn; and
- Require rules adopted by the counties related to stacking of beer to define stacking beer on a total volume basis not to exceed twenty-four ounces before a customer at any one time.

Your Committee on Conference finds that restricting the sale of beer unless it is dispensed from a spigot with an individual tap handle showing the manufacturer's name or brand that is visible within ten feet of the spigot is an antiquated requirement that is costly and burdensome for small, independent craft breweries. Modern technologies and other simpler display methods allow small craft breweries to provide significantly more information to consumers than what is on a tap handle. This measure therefore repeals the tap handle requirement and allows beer taps to be identified via other means and reduces the burden on owners of businesses serving craft

Your Committee on Conference further finds that stacking rules, or the amount of alcoholic beverages that can be in front of a single customer at any one time, are not uniform amongst the counties. This measure defines and standardizes stacking of beer based on total volume, rather than the number of drinks that can be served to a customer at one time.

Your Committee on Conference has amended this measure by:

- (1) Changing the maximum standard serving size of beer that may be before a customer at any one time from twenty-four ounces to thirty-two ounces;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 772, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 772, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Nishihara and Fevella. Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Takumi, Lee and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 14 on S.B. No. 1263

The purpose of this measure is to amend the Uniform Controlled Substances Act to make it consistent with the federal controlled substances law by:

- (1) Including in Schedule V a controlled substance used to treat certain childhood-onset epilepsy patients; and
- (2) Updating section 329-38(i), Hawaii Revised Statutes, to allow the use of either words or figures to indicate quantity on electronic prescriptions.

Your Committee on Conference finds that this measure conforms Hawaii's Uniform Controlled Substances Act to federal law and regulations, thereby expanding the number of drugs available to physicians to treat certain childhood-onset epilepsy patients and reducing barriers to electronic prescription use in the State.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1263, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1263, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Lee, Belatti, Tokioka and Thielen.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, 1 (Belatti).

## Conf. Com. Rep. 15 on H.B. No. 1270

The purpose of this measure is to:

- Clarify that "private hospitals" means all currently operating hospitals, except hospitals operated by or affiliated with the Hawaii Health Systems Corporation and specified charitable hospitals;
- (2) Increase the cap of the hospital sustainability fee to four percent of a hospital's net patient service revenue, net inpatient hospital service revenue, and net outpatient hospital service revenue;
- (3) Remove the exemption from the hospital sustainability fee for outpatient care services for children's hospitals, rehabilitation and psychiatric hospitals, and other hospitals based on their annual net outpatient revenues;
- (4) Extend the Program through fiscal biennium 2019-2021; and
- (5) Appropriate funds out of the Hospital Sustainability Program Special Fund to the Department of Human Services to expend for authorized purposes under the Program.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$88,000,000 for fiscal year 2019-2020 and fiscal year 2020-2021 for the purposes of the Hospital Sustainability Program Special Fund; and
- (2) Changing the effective date to June 29, 2019; provided that sections 7 and 8 of this measure take effect on July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1270, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1270, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Baker, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives San Buenaventura, Mizuno, Nakamura, Eli and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Eli, Ward).

### Conf. Com. Rep. 16 on H.B. No. 1449

The purpose of this measure is to:

- (1) Extend the Nursing Facility Sustainability Program to 2021;
- (2) Allow the Nursing Facility Sustainability Fee to be used to enhance capitated rates for the purpose of paying quality incentives:
- (3) Increase the Nursing Facility Sustainability Fee limit from 4.0% to 5.5% of net patient service revenue;
- (4) Increase the per resident daily maximum fee from \$13.46 to \$20 for each facility, and increase the per resident reduced daily maximum fee from \$5.85 to \$9 for facilities that meet certain exceptions; and
- (5) Appropriate funds for the Nursing Facility Sustainability Program.

Your Committee on Conference has amended this measure by:

- (1) Changing the appropriation from the Nursing Facility Sustainability Program Special Fund to \$21,000,000; and
- (2) Changing its effective date to June 29, 2019; provided that sections 7 and 8 shall take effect on July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1449, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1449, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Baker, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives San Buenaventura, Mizuno, Nakamura and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Ward).

### Conf. Com. Rep. 17 on S.B. No. 25

The purpose of this measure is to:

- Amend various portions of the Hawaii Insurance Code under title 24, Hawaii Revised Statutes, to update and improve existing Insurance Code provisions; and
- (2) Establish requirements for proposed name changes and use of a trade name or assumed name.

Your Committee on Conference finds that this measure is intended to update and improve various areas of the State's insurance laws. This measure modernizes provisions, removes antiquated systems, and benefits insurers and consumers by removing redundancy, time, and cost barriers.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2019; and
- (2) Changing the sunset date for the provisions that allow the Insurance Division to create stopgap measures to implement the National Association of Insurance Commissioners Health Benefit Plan Network Access and Adequacy Model Act to July 1, 2024.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 25, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 25, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keohokalole and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Keohokalole).

Representatives Takumi, Hashimoto, Cabanilla Arakawa and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Cabanilla Arakawa).

## Conf. Com. Rep. 18 on S.B. No. 1240

The purpose of this measure is to:

(1) Make permanent Act 21, Special Session Laws of Hawaii 2009, which requires the Department of Health to license home care agencies; and

(2) Add an exemption to the Department of Health home care agency licensing requirements for Medicaid waiver provider providing services exclusively to participants in the Medicaid Home and Community-Based Services Waiver for individuals with intellectual and developmental disabilities (HCBS I/DD waiver).

Your Committee on Conference finds that pursuant to federal requirements to safeguard the health, safety, and rights of HCBS I/DD waiver participants, the State has implemented numerous standards, policies, and procedures pertaining to HCBS I/DD waiver program staff training and supervision. One of the state-mandated safeguards requires all personal care services to be performed by people who have the training equivalent to the basic nurse aide course. However, your Committee on Conference notes that because the HCBS I/DD waiver program provides several types of non-medical personal care services, requiring nurse aide training for all providers of services is burdensome and may impact access to services for HCBS I/DD waiver participants. Your Committee on Conference further finds that, given the extensive oversight of HCBS I/DD provider agencies already in place to comply with federal requirements, providing a narrow exemption for agencies that have been approved by the Department of Human Services Med-QUEST Division ensures HCBS I/DD waiver participants receive services from qualified HCBS I/DD waiver provider agencies without unnecessary delay or increased costs.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have made Act 21, Special Session Laws of Hawaii 2009 permanent;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1240, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1240, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Ruderman and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives San Buenaventura, Nakamura and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 19 on H.B. No. 990

The purpose of this measure is to clarify that the Department of Defense may continue its community involvement by lending out its facilities to certain entities without incurring a loss to its operating budget by specifying that net proceeds from facilities rentals shall be deposited into the general fund.

Your Committee on Conference has amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 990, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 990, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Kahele and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, Gates, Kong and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

## Conf. Com. Rep. 20 on H.B. No. 61

The purpose of this measure is to clarify the allocation of payments made by or on behalf of a condominium unit owner and which the owner has paid in excess of any common expenses owed.

Your Committee on Conference has amended this measure by specifying that after outstanding common expenses have been paid, excess payments may be applied to other miscellaneous charges owed to the association, including assessed charges to the unit such as ground lease rent, utility sub-metering, storage lockers, parking stalls, boat slips, insurance deductibles, and cable.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 61, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 61, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none. Representatives Takumi, Lee, Cabanilla Arakawa and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Cabanilla Arakawa).

#### Conf. Com. Rep. 21 on H.B. No. 988

The purpose of this measure is to implement section 106 of the federal Economic Growth, Regulatory Relief, and Consumer Protection Act, P.L. 115-174, and provide 120-day temporary authority to originate mortgage loans to:

- Certain mortgage loan originators, employed in the State by a state-licensed mortgage company who are moving from a
  depository institution to a non-depository institution; and
- (2) Mortgage loan originators licensed in another state moving interstate to Hawaii.

Your Committee on Conference has amended this measure by:

- (1) Inserting a definition of "this State" to clearly indicate the State of Hawaii and be clearly distinguished from the definition of "state," which means any state of the United States, the District of Columbia, or any of the territories; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 988, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 988, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Takumi, Hashimoto, Cachola and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Matsumoto).

#### Conf. Com. Rep. 22 on H.B. No. 1417

The purpose of this measure is to require the Department of Human Services to use an integrated and multigenerational service delivery approach to reduce the incidence of intergenerational poverty and dependence on public benefits, consistent with the nationally recognized best practices.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to July 1, 2019; and
- (2) Making a technical, nonsubstantive amendment for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1417, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1417, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Riviere, Moriwaki, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Thielen).

Representatives Nakamura, B. Kobayashi, Gates and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Gates).

## Conf. Com. Rep. 23 on S.B. No. 1173

The purpose of this measure is to bring Hawaii into compliance with federal regulations governing income withholding for child support enforcement by:

- (1) Imposing a fine against an employer who fails to withhold support payments from an employee's income or pay amounts to the Child Support Enforcement Agency;
- (2) Amending the penalty for an employer who discriminates against an employee because of the existence of a child support income withholding order by imposing a fine instead of a misdemeanor contempt of court charge; and
- (3) Increasing the threshold amount for an annual fee imposed by the Child Support Enforcement Agency for collection and distribution of child support payments.

Your Committee on Conference finds that compliance with federal requirements is necessary to maintain eligibility for federal funding of child support enforcement programs. In addition, your Committee on Conference finds that amending the income withholding requirements increases the effectiveness of the income withholding process and protects the obligor parent from employment discrimination if the obligor parent has an income withholding order issued against them.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1173, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1173, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kim, Wakai and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, 1 (Kim).

Representatives San Buenaventura, Lee, Nakamura and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, 1 (Ward).

### Conf. Com. Rep. 24 on S.B. No. 980

The purpose of this measure is to define, for the purpose of compulsory education, a private school to be an education institution that teaches kindergarten through grade twelve and that is licensed or accredited by specified licensing or accrediting organizations.

Your Committee on Conference finds that the Hawaii Council of Private Schools is the licensing entity that ensures that all of Hawaii's private and parochial schools are healthy, safe, and sustainable institutions of learning for Hawaii's children. However, licensing requirements for private schools in the State are optional, rather than mandatory. This measure clarifies the definition of "private school" to assure parents who send their child to a private school that the school meets certain standards and criteria in providing a safe learning environment.

Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 980, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 980, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Rhoads, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Woodson, Takumi and Okimoto. Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

## Conf. Com. Rep. 25 on S.B. No. 552

The purpose of this measure is to:

- (1) Extend the safe harbor provisions found in section 45 of Act 181, Session Laws of Hawaii 2017 (Act 181), until July 1, 2020, to provide sufficient time for condominium property regimes to update their developer's public reports; and
- (2) Clarify that the sale of time share plans is permitted regardless of compliance with Act 181.

Your Committee on Conference finds that Act 181 repealed chapter 514A, Hawaii Revised Statutes, relating to condominium property regimes. Act 181 authorized developers to continue sales using their timely reports filed under the now-repealed sections of chapter 514A, Hawaii Revised Statutes, without having to register under chapter 514B, Hawaii Revised Statutes, so long as the chapter 514A public reports were active, accurate, and not misleading. However, some, usually smaller, condominium projects were unable to meet Act 181's December 31, 2018, deadline for an automatic transfer of active and accurate projects to chapter 514B, Hawaii Revised Statutes, due to natural disasters and lack of time, resources, and necessary professionals. This measure revives pertinent sections of the repealed statutes for one year to provide these developers an opportunity to update their public reports without revising any of their governing documents, if certain criteria are met.

Your Committee on Conference has amended this measure by:

- Clarifying that a condominium property regime registered under chapter 514A, Hawaii Revised Statutes, shall not be required
  to revise its governing documents to comply with chapter 514B, Hawaii Revised Statutes, for sales of time share interests to be
  made in the condominium property regime;
- (2) Deleting the definition of "514A report";
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 552, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 552, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Nishihara and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none. Representatives Takumi, Lee and Matsumoto. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 26 on S.B. No. 394

The purpose of this measure is to amend the way Hawaii taxes multistate businesses.

Specifically, this measure:

- (1) Requires multistate businesses to apportion income, for tax purposes, by using only the taxpayer's sales factor, rather than the average of the taxpayer's property, payroll, and sales factors; and
- (2) Adopts market-based sourcing for the sale of services and intangible property for purposes of apportioning income under the Uniform Division of Income for Tax Purposes Act.

Your Committee on Conference finds that multistate businesses are taxed in Hawaii under the Uniform Division of Income for Tax Purposes Act, which apportions a share of their total income to each state in which they do business using the average of the taxpayer's sales, property, and payroll factors. Your Committee on Conference further finds that apportioning a multistate business' income using only the sales factor, rather than the equally weighted three-factor formula currently in use, will not properly reflect a taxpayer's activity in the State.

Your Committee on Conference has amended this measure by deleting the provisions that would require multistate businesses to apportion income using only the taxpayer's sales factor, rather than the average of the taxpayer's property, payroll, and sales factors.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 394, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 394, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Luke, Cullen and McDermott. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 27 on S.B. No. 536

The purpose of this measure is to clarify that existing law intended to curb over-access to and abuse of opioids, including the time frame for filling prescriptions, supply limitations, and requirements to check the state electronic prescription accountability system and execute an informed consent process, do not apply to qualifying patients who are prescribed or issued prescriptions pursuant to the State's Our Care, Our Choice Act.

Your Committee on Conference finds that existing law requires that certain controlled substances be picked up within seven days after being filled. For terminally ill patients, there is a convenience and diminished risk of accidental poisoning if medication is stored securely in a pharmacy as opposed to a private residence. This measure allows medication that is prescribed pursuant to the Our Care, Our Choice Act, otherwise known as medical aid in dying, to be filled and held by the pharmacy for not more than thirty days to provide this convenience and safeguard for terminally ill patients and diminishes the administrative burden on physicians attending to qualified patients pursuant to the Our Care, Our Choice Act.

Your Committee on Conference notes that this measure makes certain temporary amendments to sections 329-38(c), 329-38.2(b), and 329-38.5(c) of the Hawaii Revised Statutes that your Committee on Conference intends to last until June 30, 2023.

Thus, your Committee on Conference notes that this measure intentionally omits a repeal and reenactment provision as it relates to sections 329-38.5(c) and 329-38.2(b), Hawaii Revised Statutes, as the amendments made by this measure are essentially exclusions from applicability of those subsections and therefore cannot stand alone once Act 66 and Act 153 are repealed. However, should the Legislature choose to extend or make permanent the amendments made by Act 66 and Act 153 prior to the June 30, 2023 repeal date, the Legislature may decide at that time whether to also preserve the changes made to sections 329-38.5(c) and 329-38.2(b), Hawaii Revised Statutes, by this measure.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 536, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 536, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads, Ruderman and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none. Representatives Mizuno, Lee, B. Kobayashi and Ward. Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 28 on S.B. No. 535

The purpose of this measure is to specify the individuals to whom pharmacists, acting in good faith and exercising reasonable care, may prescribe and dispense opioid antagonists.

Your Committee on Conference finds that deaths caused by opioids are often preventable with timely administration of an opioid antagonist, such as naloxone. Hawaii is one of the last states where opioid antagonists are not made widely available in the community through pharmacies. This measure specifies the individuals to whom pharmacists, acting in good faith and exercising reasonable care, may prescribe and dispense opioid antagonists, which will help make opioid antagonists more widely available in the community and aid in the reduction of drug overdoses in the State.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 535, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 535, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Ohno, Lee and Ward. Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

### Conf. Com. Rep. 29 on S.B. No. 225

The purpose of this measure is to clarify that a certified ocularist, who is certified by a nationally recognized ocularistry certifying board, may perform duties within the scope of that certification.

Your Committee on Conference finds that there is only one board certified ocularist in Hawaii. This measure gives more certified ocularists the opportunity to practice in Hawaii by expanding the existing law to include those ocularists certified by the American Board of Ocularistry, the National Examining Board of Ocularists, or any other nationally recognized ocularistry certifying board.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 225, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 225, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Ohno, Takumi, B. Kobayashi, Cabanilla Arakawa and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, 1 (Ohno).

### Conf. Com. Rep. 30 on S.B. No. 1188

The purpose of this measure is to make an emergency appropriation to address a shortfall in funding for payroll, fringe benefits, and administrative costs of the Hawaii Community Development Authority for fiscal year 2018-2019.

Your Committee on Conference finds that Act 49, section 3, Session Laws of Hawaii 2017, appropriated funds to the Department of Business, Economic Development, and Tourism for payroll and administrative costs for the Hawaii Community Development Authority. However, that appropriation did not include funds for fringe benefit costs. Your Committee on Conference further finds that this measure will appropriate necessary funds to compensate for the shortfall, thus ensuring that the Hawaii Community Development Authority has the funding necessary to operate through the end of fiscal year 2018-2019.

Your Committee on Conference has amended this measure by:

- (1) Changing the appropriation from an unspecified amount to \$600,000 from the Hawaii community development revolving fund to the Hawaii Community Development Authority for fiscal year 2018-2019 for payroll, fringe benefits, and administrative costs of the Hawaii Community Development Authority; and
- (2) Changing the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1188, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1188, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators English, Kanuha and Fevella.

Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Yamane, Cullen and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 31 on S.B. No. 1232

The purpose of this measure is to authorize the Department of Human Services to disclose, upon receipt of consent, confirmed reports of child abuse or neglect to any parent or guardian of a child enrolled in an exempt or excluded child care facility.

Your Committee on Conference finds that Act 176, Session Laws of Hawaii 2018 (Act 176), specified the process for disclosure of a confirmed report of child abuse or neglect that occurred at a licensed or registered child care facility. This measure corrects an incorrect reference to licensed child care facilities in Act 176 and clarifies when the Department of Human Services may disclose that a confirmed report of child abuse or neglect has occurred at a child care facility operating in accordance with an exclusion or exemption permitted under law, which will cover reporting requirements for all child care situations.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1232, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1232, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Rhoads, Ihara and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives San Buenaventura, Lee and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

## Conf. Com. Rep. 32 on S.B. No. 385

The purpose of this measure is to repeal defaults on student loans, student loan repayment contracts, and scholarship contracts as grounds for denying professional and vocational licenses and sanctioning professional and vocational licensees.

Your Committee on Conference finds that Hawaii is one of only several states that allow the denial, revocation, or suspension of a professional or vocational license based on student loan defaults. This means that a licensee who has incurred tens of thousands of dollars in student loans for purposes of earning or obtaining a professional degree and passed all subsequent licensing examinations could be barred from practicing, thus making any prospect of repayment even more difficult. This measure aligns Hawaii with the majority of states by repealing student loan defaults as grounds for a license denial, suspension, or revocation.

Your Committee on Conference has amended this measure by:

- (1) Repealing language that allows the right to a hearing and appeal from an order suspending, revoking, or refusing to extend any license by the Insurance Commissioner;
- (2) Reverting to the existing statutory language that requires the Insurance Commissioner, under certain conditions, to renew, reinstate, or grant an insurance producer's license only upon receipt of an authorization from the administering entity;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 385, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 385, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Ohno, Takumi, Nishimoto, Cabanilla Arakawa, D. Kobayashi and McDermott.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (McDermott).

## Conf. Com. Rep. 33 on S.B. No. 414

The purpose of this measure is to create procedural and administrative requirements for law enforcement agencies for eyewitness identifications of suspects in criminal investigations.

Your Committee on Conference finds that mistaken eyewitness identification contributes to a significant majority of wrongful convictions that are later overturned by DNA evidence. Your Committee on Conference additionally finds that more accurate eyewitness identifications increase the ability of police and prosecutors to solve crimes, convict the guilty, and protect the innocent. This measure implements systemic changes in administering eyewitness identification procedures to improve the accuracy of eyewitness identifications.

Your Committee on Conference has amended this measure by changing its effective date to June 1, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 414, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 414, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard, Wakai and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Gabbard).

Representatives Lee, Brower, Morikawa, Say and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Say).

## Conf. Com. Rep. 34 on S.B. No. 1176

The purpose of this measure is to meet federal financial incentive requirements by:

- (1) Increasing the penalty amounts for false claims to the State to a minimum of \$11,463 and a maximum of \$22,927; and
- (2) Requiring the state penalty amounts for the year 2020 and thereafter to be the same as, and for the same effective dates as, the federal penalty amounts adjusted and adopted by the United States Department of Justice.

Your Committee on Conference finds that section 1909 of the Social Security Act provides a ten-percentage-point increase in the State's share of any amount recovered in a state action under a false or fraudulent claim if the State has a false claims act that meets the requirements set forth in section 1909. Section 1909 further requires that the State's false or fraudulent claims law contain a civil penalty that is not less than the amount provided under federal law. This measure brings Hawaii's false claims act into compliance with section 1909 of the federal Social Security Act.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1176, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1176, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Shimabukuro, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives San Buenaventura, Matayoshi and Thielen.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (Thielen).

## Conf. Com. Rep. 35 on S.B. No. 767

The purpose of this measure is to raise the threshold under the contractor licensing law's handyman exemption from \$1,000 to \$1,500 and make it applicable only to the cost of labor and materials.

Your Committee on Conference finds handymen provide a valuable service by doing maintenance, minor jobs, and projects that are too small for a licensed contractor to take on, especially in rural areas and neighbor islands where there is a smaller pool of contractors available. The costs of living, housing, materials, and inflation have increased since the handyman exemption was last raised in 1992. This measure provides a modest increase to the handyman exemption to help keep pace with current increases in these costs.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 767, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 767, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keohokalole, Nishihara, Ruderman and Fevella.

Managers on the part of the Senate.

Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Representatives Takumi, Ichiyama and Matsumoto. Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (Matsumoto).

#### Conf. Com. Rep. 36 on S.B. No. 852

The purpose of this measure is to clarify that restitution payments to crime victims may include reimbursements for mental health treatment, counseling, therapy, and lost earnings, which includes paid leave.

Your Committee on Conference finds that ambiguity exists as to what losses are eligible for reimbursement to victims of crimes. Your Committee on Conference further finds that losses suffered by victims of crimes can include things such as the cost of damaged or stolen property and hospitalization, as well as lost earnings and the cost of mental health treatment. This measure makes a broader range of losses eligible for reimbursement in order for the victims of crimes to be made as whole as possible.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 852, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 852, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Lee, Gates and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 37 on H.B. No. 699

The purpose of this measure is to authorize the Hawaii Public Housing Authority to evict a tenant convicted of a felony committed during the term of the tenancy for an act related to the Hawaii Public Housing Authority's property or funds or its employees and their property.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 699, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 699, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Rhoads, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Brower, Lee, Mizuno and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

### Conf. Com. Rep. 38 on H.B. No. 471

The purpose of this measure is to authorize the Policy Advisory Board for Elder Affairs to establish quorum requirements through its bylaws and post its bylaws on the Executive Office on Aging's website.

Your Committee on Conference has amended this measure by:

- (1) Specifying that quorum for the Policy Advisory Board for Elder Affairs be a majority of currently serving members, but not fewer than eight members, rather than establishing quorum through the Board's bylaws;
- (2) Removing the requirement that the bylaws be posted on the Executive Office on Aging's website; and
- (3) Changing its effective date to be upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 471, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 471, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Ruderman and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives San Buenaventura, Lee and Ward.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (Ward).

### Conf. Com. Rep. 39 on H.B. No. 257

The purpose of this measure is to:

- (1) Authorize the use of private lands for the Ohana Zones Pilot Program, subject to certain conditions;
- (2) Extend the sunset date for the Ohana Zones Pilot Program to June 30, 2023, or three years from the contract execution date, whichever is later; and
- (3) Extend the Emergency Department Homelessness Assessment Pilot Program and the Medical Respite Pilot Program to June 30, 2020.

Your Committee on Conference has amended this measure by:

- (1) Removing the requirement that:
  - (A) Private lands have existing infrastructure prior to being used as an ohana zone; and
  - (B) The written agreement between the private land owner and a state or county department include a statement that any structure built with public funds shall be used for the purpose for which it was built for within a time period of at least five years, or by the end of the Ohana Zones Pilot Program, whichever is sooner;
- (2) Authorizing, rather than requiring, the Ohana Zones Pilot Program to allow for off-the-grid technologies that can provide drinking water, electricity, and process sewage without existing infrastructure;
- (3) Reinstating the requirement that agencies designated for the Ohana Zones Pilot Program establish, no later than December 31, 2018, certain requirements of the Program;
- (4) Amending the deadlines for the Governor's Coordinator on Homelessness to report to the Legislature with compiled and consolidated information from the agencies designated by the Governor on the Ohana Zones Pilot Program to twenty days prior to the Regular Sessions of 2020, 2021, and 2022;
- (5) Removing the provision which allowed for the Ohana Zones Pilot Program to sunset three years from its contract execution date;
- (6) Inserting a general fund appropriation of \$2,000,000 for fiscal year 2019-2020 to be expended by the Office of the Governor and used solely for the construction of modular temporary units or facilities, the renovation of existing structures on public lands, or the creation of infrastructure to make land suitable for temporary housing under the Ohana Zones Pilot Program; provided that the Governor transfer the expenditure authority to designated executive branch departments or agencies within a reasonable time;
- (7) Changing its effective date to June 29, 2019; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 257, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 257, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Chang, Riviere, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

Representatives San Buenaventura, Brower, Nakamura, Cullen and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Cullen).

## Conf. Com. Rep. 40 on H.B. No. 999

The purpose of this measure is to:

- (1) Permanently exempt from provisions of the civil service law:
  - (A) The Governor's Coordinator on Homelessness;
  - (B) Five positions in the Med-QUEST Division; and
  - (C) Four positions in the Office of the Director of Human Services; and
- (2) Temporarily exempt from the civil service law:
  - (A) The research/health analytics manager in the Med-QUEST Division; and
  - (B) Certain positions in the Office of the Director of Human Services.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to June 29, 2019; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 999, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 999, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Thielen, Taniguchi, Kanuha and Fevella.

Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives San Buenaventura, Nakamura, Hashem and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 41 on H.B. No. 214

The purpose of this measure is to allow a cemetery authority to disinter and reinter human remains within the same cemetery without filing an application for a permit with the Department of Health, provided the cemetery authority has written authorization from the majority of the next-of-kin of the person whose remains are being disinterred and reinterred.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 214, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 214, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Takumi and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

## Conf. Com. Rep. 42 on H.B. No. 252

The purpose of this measure is to establish a provisional license to be a speech pathologist for individuals who have met educational requirements and practice under the supervision of a licensed speech pathologist for the purpose of completing a clinical fellowship as required for full licensure.

Your Committee on Conference has amended this measure by changing its effective date to January 1, 2022.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 252, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 252, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Ohno, Takumi, Morikawa and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

### Conf. Com. Rep. 43 on H.B. No. 665

The purpose of this measure is to exempt health care providers from the requirement to consult the electronic prescription accountability system when prescribing controlled substances when the patient is an inpatient, in post-operative care, or is receiving hospice or other palliative care for a terminal disease.

Your Committee on Conference has amended this measure by making technical, nonsubstantive amendments to the preamble of this measure for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 665, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 665, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Lee, Takumi, Tokioka and Ward.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 44 on H.B. No. 913

The purpose of this measure is to allow the filing of documents with the Hawaii Labor Relations Board electronically or by the original paper document.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon its approval; and
- (2) Making a technical, nonsubstantive amendment for consistency and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 913, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 913, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Eli, Kitagawa and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 45 on H.B. No. 989

The purpose of this measure is to:

- Authorize the Commissioner of Financial Institutions to issue cease and desist orders against licensees and unlicensed persons
  and to enter into consent orders; and
- (2) Allow documents required to be filed in conjunction with mortgage servicing licensing to be filed electronically.

Your Committee on Conference has amended this measure by:

- Clarifying that documents required to be filed in conjunction with mortgage servicing licensing be filed through the NMLS, if NMLS is able to accept the document; and
- (2) Changing the effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 989, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 989, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Takumi, Lee, Hashimoto, Cachola and Matsumoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 46 on H.B. No. 991

The purpose of this measure is to extend the civil relief available to state military forces to cover persons serving on full time National Guard duty.

Additionally, this measure amends the civil relief for state military forces law by extending the lease termination provisions to cover motor vehicle leases in conformity with the federal Servicemembers Civil Relief Act.

Your Committee on Conference has amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 991, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 991, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Rhoads, Riviere, Harimoto and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, San Buenaventura, Gates and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

## Conf. Com. Rep. 47 on H.B. No. 556

The purpose of this measure is to require the Department of Business, Economic Development, and Tourism (Department) to adopt minimum appliance efficiency standards for certain products sold or installed in the State that are substantially equivalent to existing appliance efficiency standards established in California.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that this measure establishes minimum appliance efficiency standards for certain products sold or installed in the State, and that the Department is authorized, rather than required, to adopt rules to enforce those minimum efficiency standards:
- (2) Defining specific terms;
- (3) Removing language authorizing the Department to adopt by rule a more recent version of an efficiency standard to maintain or improve consistency with the California appliance efficiency standards;
- (4) Establishing specific appliance energy standards for certain products, providing protection against repeal of federal regulations, and establishing testing, certification, and labeling requirements for products to determine compliance;
- (5) Clarifying the dates upon which products and appliances that are sold, leased, rented, or installed in the State must meet or exceed the efficiency standards;
- (6) Requiring the Public Benefits Fee Administrator to educate and train appliance manufacturers, distributors, and retailers of appliances covered under the efficiency standards;
- (7) Changing its effective date to upon its approval; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 556, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 556, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Baker, Taniguchi and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, McKelvey, Takumi and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 48 on H.B. No. 407

The purpose of this measure is to modify the termination process for a Complex Area Superintendent (CAS) by requiring:

- (1) The Board of Education (BOE) to grant its approval prior to the termination of a CAS; and
- (2) That a CAS have adequate opportunity to present the CAS's case to the BOE prior to the BOE's decision on the termination.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 407, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 407, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Nishimoto, Hashimoto, Ohno, Tarnas and Okimoto.

Managers on the part of the House.

Ayes, 6. Noes, none. Excused, none.

## Conf. Com. Rep. 49 on H.B. No. 420

The purpose of this measure is to address the operations of the Hawaiian Center and Museum of Hawaiian Music and Dance (Center and Museum) by:

- (1) Transferring the site of the Center and Museum from the Hawaii Convention Center to the State of Hawaii Museum of Natural and Cultural History; and
- (2) Authorizing the State of Hawaii Museum of Natural and Cultural History to enter into contracts and partnerships as necessary for services related to the Center and Museum.

Your Committee on Conference has amended this measure by:

- (1) Leaving the location of the Center and Museum unspecified;
- (2) Deleting the authorization for the State of Hawaii Museum of Natural and Cultural History to enter into contracts and partnerships relating to necessary services for the Center and Museum;
- (3) Changing its effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for consistency, clarity, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 420, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 420, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Wakai, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Onishi, Yamane, Holt, Cabanilla Arakawa and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

### Conf. Com. Rep. 50 on S.B. No. 272

The purpose of this measure is to further facilitate the development of green condominium projects throughout Hawaii by clarifying the conditions under which condominium unit owners can install solar windows and skylights.

Your Committee on Conference finds that in order to keep up with the ever-evolving technology of renewable energy, Hawaii statutory law must likewise evolve. Your Committee on Conference also finds that it is not clear whether building-applied photovoltaics, such as roof-mounted photovoltaic solar panels, building-integrated photovoltaics, such as electricity-producing photovoltaic windows, and passive solar skylights and windows fall under the existing definition of "solar energy device." This measure specifies that owners of condominium units are allowed to install solar energy devices, including but not limited to build-applied and building-integrated photovoltaics and excluding passive solar skylights and windows, upon written consent of the board of the association of condominium unit owners.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 272, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 272, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Keohokalole, Baker and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Baker).

Representatives Lowen, Takumi, Wildberger, Cachola and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Cachola).

## Conf. Com. Rep. 51 on S.B. No. 660

The purpose of this measure is to establish a non-compliant state identification card for individuals that are unable to provide an updated photograph and documentation in person as required by the federal REAL ID Act of 2005.

Your Committee on Conference finds that the federal REAL ID Act of 2005 requires all applicants to appear in-person in order to obtain a compliant identification card. Currently, there is no option available for those who are severely disabled to obtain a non-REAL ID Act of 2005 compliant identification card that can be used for certain activities which do not require a REAL ID Act compliant identification card. Those who are severely disabled and homebound are unable to obtain a compliant identification card necessary for various purposes such as refilling medication or conducting banking transactions. This measure will establish procedures to allow those who are severely disabled and homebound obtain a non-REAL ID Act of 2005 compliant identification card and enable them to complete ongoing, everyday transactions that require a form of identification.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 660, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 660, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Shimabukuro).

Representatives Lee, Morikawa, San Buenaventura and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 52 on S.B. No. 723

The purpose of this measure is to:

- (1) Require the Judiciary to post the titles of all court filings and the minutes of court proceedings in paternity cases on its website after redacting information in which an individual has a significant privacy interest and subject to certain circumstances; and
- (2) Establish the same confidentiality standards for paternity cases as other cases heard by the family court.

Your Committee on Conference finds that transparency and appropriate public access to information is vital to the just disposition of the family court in matters of paternity. Your Committee on Conference further finds that the standard confidentiality procedures of the family court are sufficient to protect the privacy interests of parties and individuals in most instances.

Your Committee on Conference has amended this measure by:

- (1) Requiring the Judiciary to redact from publicly posted court filings and minutes in paternity cases any information that has been made confidential by any statute, rule of court, or court order rather than any information in which an individual has a significant privacy interest under section 92F-14, Hawaii Revised Statutes;
- (2) Inserting a savings clause;
- (3) Changing the effective date to January 1, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 723, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 723, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Lee, Gates and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

## Conf. Com. Rep. 53 on S.B. No. 1039

The purpose of this measure is to:

- (1) Decrease the period of time that a person is required to wait before expunging a deferred plea to a prostitution charge; and
- (2) Permit persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the penal code within three years of the original prostitution conviction.

Your Committee on Conference finds that sex trafficking victims are often misidentified and criminalized by law enforcement and that, although the existing law allows sex trafficking victims to vacate prostitution convictions within six years from the time that victimization ceased, such persons may face significant challenges in disclosing and proving victimization. Furthermore, your Committee on Conference notes that persons who have been convicted under sections 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), and 712-1207(1)(b), Hawaii Revised Statutes, regardless of whether or not they have been or can allege that they were victims of sex trafficking, should be able to vacate their convictions after a reasonable period of three years from the date of conviction; provided that these persons have maintained a clean record free of convictions under the Penal Code during that period of time.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1039, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1039, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Gabbard, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Gabbard).

Representatives Lee, Morikawa, San Buenaventura, Wildberger and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (San Buenaventura).

## Conf. Com. Rep. 54 on H.B. No. 941

The purpose of this measure is to permit an employee's designation of beneficiary form to be kept in the department where the employee is employed, and to allow this information to be filed and maintained electronically.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon its approval; and
- (2) Making a technical, nonsubstantive amendment for clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 941, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 941, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 2; Ayes with Reservations (Rhoads). Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Kitagawa and Matsumoto.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (Kitagawa).

### Conf. Com. Rep. 55 on H.B. No. 290

The purpose of this measure is to amend the Uniform Controlled Substances Act to:

- (1) Include a Schedule V controlled substance used to treat certain childhood-onset epilepsy patients;
- (2) Allow for the use of either words or figures to indicate quantity on electronic prescriptions for controlled substances; and
- (3) Authorize qualifying patients or qualifying out-of-state patients to transport medical cannabis between islands for their personal medical use.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that included in Schedule V a controlled substance used to treat certain childhood-onset epilepsy patients, and allowed for the use of either words or figures to indicate quantity on electronic prescriptions for controlled substances; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 290, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 290, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Lee, Aquino, Takayama and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Aquino).

## Conf. Com. Rep. 56 on H.B. No. 323

The purpose of this measure is to classify certain former military vehicles as special interest vehicles and enable owners of former military vehicles to apply for registration of the motor vehicle.

Your Committee on Conference has amended this measure by:

- (1) Removing language amending the definition of street rod vehicles because the language may be construed as falling outside of the scope of the measure's title;
- (2) Changing the effective date to January 1, 2020; and
- (3) Making technical, non-substantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 323, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 323, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Nishihara, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Aquino, Takumi and McDermott.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (McDermott).

#### Conf. Com. Rep. 57 on H.B. No. 756

The purpose of this measure is to:

- (1) Require the Department of Transportation, after consultation with the counties, to adopt rules prescribing uniform standards and specifications for official traffic control devices installed under the Statewide Traffic Code; and
- (2) Specify the factors the Department of Transportation and the counties must consider when setting maximum speed limits on a road.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 756, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 756, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads, Harimoto, Wakai and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Representatives Aquino, Lee, Hashimoto, Say and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McDermott).

#### Conf. Com. Rep. 58 on S.B. No. 1221

The purpose and intent of this measure is to:

- Clarify wording regarding the delegation of powers to the Executive Director of the Hawaii Teacher Standards Board to timely
  approve license and permit applications; and
- (2) Clarify the reporting of data from the Department of Education, State Public Charter School Commission, and charter schools to the Hawaii Teacher Standards Board, including the number of classrooms without a licensed teacher during the school year.

Your Committee on Conference finds that Hawaii continues to suffer from a shortage of qualified teachers. Additionally, the existing approval process for licensed teachers often delays individuals who meet all of the requirements for a teaching license or permit from obtaining their license. This measure ensures that individuals who meet all requirements and receive approval from the Executive Director of the Hawaii Teacher Standards Board are issued teaching licenses or permits in a timelier manner.

Your Committee on Conference further finds that the Department of Education and State Public Charter School Commission currently report the number of emergency hire teachers in public school classrooms. This measure adds an additional reporting requirement of the number of classrooms without a licensed teacher to assist the Legislature and schools in knowing the actual need for closing the teacher recruitment and retention gap.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1221, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1221, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Matayoshi, Hashem, Tarnas and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 59 on S.B. No. 981

The purpose and intent of this measure is to repeal the Hawaii Teacher Standards Board special fund and transfer the remaining balance to the general fund.

Your Committee on Conference finds that the Hawaii Teacher Standards Board special fund is used to pay for the expenses of the Hawaii Teacher Standards Board, including operational and personnel costs and reimbursements to Board members for travel expenses. Due to limited resources, the Board has been forced to reduce its staff, which limits the scope of services and support to Hawaii teachers, school counselors, and school librarians. Funding the Hawaii Teacher Standards Board through the general fund will allow the Board to continue to fully support teacher licensing, educator preparation programs, and professional development.

Your Committee on Conference has amended this measure by:

- (1) Changing the date when all unencumbered balances remaining in the Hawaii Teacher Standards Board special fund shall lapse to the general fund from June 30, 2021, to July 1, 2019; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 981, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 981, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Matayoshi, DeCoite, Hashem and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

#### Conf. Com. Rep. 60 on S.B. No. 770

The purpose of this measure is to require a high school education or its equivalent as a condition for new applicants to obtain a license as a real estate broker or real estate salesperson.

Your Committee on Conference finds that requiring a high school diploma or its equivalent as a condition for obtaining a real estate broker or real estate salesperson license ensures an educated licensee population in order to protect consumers in their real estate transactions, which is one of the most important financial decisions in many people's lives. This measure supports efforts to raise the bar of professionalism in the real estate industry by establishing a minimum educational requirement for new applicants.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to July 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 770, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 770, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Chang).

Representatives Ohno, Takumi and McDermott.

Managers on the part of the House.

Ayes, 2. Noes, none. Excused, 1 (McDermott).

#### Conf. Com. Rep. 61 on S.B. No. 1486

The purpose of this measure is to allow the Department of Public Safety Narcotics Enforcement Division Administrator (Administrator) to disclose confidential information from the Electronic Prescription Accountability System to the United States Department of Defense health agency prescription monitoring program and authorized employees of the state Department of Health Alcohol and Drug Abuse Division and Emergency Medical Services and Injury Prevention Systems Branch.

Your Committee on Conference finds that allowing the Administrator to disclose confidential information from the Electronic Prescription Accountability System to other agencies furthers the State's objectives of the Hawaii Opioid Action Plan, which was developed by the Hawaii Opioid Initiative. Your Committee on Conference further finds that sharing information between agencies would provide the Department of Health necessary information to better protect the community through opioid prescription and public health monitoring.

Your Committee on Conference has amended this measure by making it effective on July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1486, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1486, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Baker, Harimoto and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Lee, Belatti, Tokioka and Ward. Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 62 on S.B. No. 98

The purpose of this measure is to clarify that a driver of a motor vehicle shall yield to or stop for a pedestrian when a pedestrian is considered to be within an intersection or adjacent crosswalk.

Your Committee on Conference finds that it is unclear when a vehicle is required to yield to the right-of-way to a pedestrian who plans to cross or is crossing a roadway, thereby putting pedestrians at risk of irreparable injury or death. The ambiguity in existing law has resulted in numerous accidents involving a motor vehicle and pedestrians attempting to cross the street. Your Committee on Conference further finds that in 2018, there were 43 pedestrian fatalities due to a vehicle accident, an increase of 28 fatalities from 2017. Your Committee on Conference believes that in order to improve pedestrian safety throughout the State, existing law needs to be clear that a pedestrian is legally within a crosswalk when any part or extension of the pedestrian is beyond the curb or edges of the traversable roadway.

Your Committee on Conference has amended the measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 98, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 98, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Aquino, Lee, Hashimoto and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

### Conf. Com. Rep. 63 on S.B. No. 1236

The purpose of this measure is to:

- (1) Limit the exemption from parking fees to drivers with a disability who are unable to operate a parking meter or pay station due to their disability and who display a distinguishing parking device, code, permit, or decal;
- (2) Clarify time limits applicable to the parking exemption for disabled persons;
- (3) Prohibit the unauthorized sale or purchase of disability parking placards and special license plates;
- (4) Clarify the authority of enforcement officers to confiscate placards and special license plates for violations of requirements for manufacture, sale, purchase, or use; and
- (5) Authorize an advanced practice registered nurse to make a determination regarding a person's mobility.

Your Committee on Conference finds that the statewide parking program for persons with disabilities provides individuals with mobility disabilities the opportunity to drive and park in accessible parking stalls. Your Committee on Conference further finds that the current exemption for disabled persons to park in metered spaces without paying a fee exceeds the original intent of the parking exemption for certain disabled individuals. The original intent was to exempt disabled persons who are licensed to drive and unable to reach or insert payment into a parking meter due to their disability. However, existing law exempts any vehicle displaying a valid disability parking permit from paying a parking fee.

Your Committee on Conference notes that the S.D. 2 version of this measure also sets certain limitations from parking fees for eligible drivers. More specifically, the S.D. 2 version of this measure:

- (1) Clarifies that the exemption from parking fees applies only to disabled persons who drive and are unable to reach or operate a parking meter or an unattended pay station due to a physical disability;
- (2) Updates relevant statutes to reflect current parking technology and terminology;
- (3) Makes the act of selling or buying a disability parking permit a misdemeanor;
- (4) Authorizes a law enforcement officer or a commissioned volunteer enforcement officer of a county law enforcement agency to confiscate a disability parking permit that is invalid or has been altered; and
- (5) Clarifies the types of disabilities that qualify for a disability parking permit and authorizes an advanced practice registered nurse to make a determination who qualifies as a "person with a disability".

Your Committee on Conference further notes that the S.D. 2 version of this measure better aligns with the original intent of the statewide parking program for persons with disabilities as it addresses the concerns of various stakeholders.

Accordingly, your Committee on Conference has amended this measure by reverting back to the S.D. 2 version of this measure and further amending it by:

- (1) Permitting, beginning July 1, 2021, drivers who display a disabled paid parking exemption permit to be allowed to park without payment for the first two-and-a-half hours or the maximum time a meter allows, whichever is longer;
- (2) Making it effective upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1236, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1236, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads, Kahele, Harimoto and Fevella.

Managers on the part of the Senate. Ayes, 5. Noes, none. Excused, none.

Representatives San Buenaventura, Lee, Nakamura and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 64 on S.B. No. 693

The purpose of this measure is to clarify what pedestrians are required to do in a crosswalk while a countdown timer is operating.

Your Committee on Conference finds that it is unclear what pedestrians are required to do in a crosswalk that operates a pedestrian-control signal with a countdown timer. Existing law regarding pedestrian-control signals was last substantively amended in 1981, and does not reflect signals currently being used throughout the State. Your Committee on Conference believes that existing law needs to be updated in order to provide consistency with the various types of pedestrian-control signals used throughout the State. This measure will improve pedestrian safety by clarifying the responsibilities of pedestrians when in a crosswalk with a pedestrian-control signal that operates a countdown timer.

Your Committee on Conference has amended this measure by making it effective on July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 693, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 693, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads, English and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Aquino, Lee, Hashimoto, Say and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Say, McDermott).

## Conf. Com. Rep. 65 on S.B. No. 551

The purpose of this measure is to:

- (1) Clarify that the explicit grant of power of sale to condominium associations is required for the purposes of enforcing association liens under the association alternate power of sale foreclosure process;
- (2) Clarify available damages for violations of the association alternate power of sale foreclosure process; and
- (3) Establish an association foreclosure task force.

Your Committee on Conference finds that this measure requires the explicit grant of power of sale within a condominium association's documents, for purposes of enforcing association liens under the association alternate power of sale foreclosure process. This requirement is similar to a recent decision of the Intermediate Court of Appeals in Sakal v. Association of Apartment Owners of Hawaiian Monarch, 143 Haw. 219, 426 P.3d 443 (2018), which held that the Legislature intended that associations can only conduct nonjudicial foreclosures if the associations have specific authority to conduct nonjudicial foreclosures in their declaration or bylaws or in an agreement with the owner being foreclosed upon.

However, your Committee on Conference notes that condominium associations have relied for years on the remedy of nonjudicial foreclosure as a way of collecting delinquent maintenance fees, which are necessary for the basic operations of associations. Your Committee on Conference further finds that under the <u>Sakal</u> case, many associations have lost the benefit of the nonjudicial foreclosure process. As a result, there are concerns that an association's ability to conduct a nonjudicial foreclosure will no longer depend on legislative intent, but whether specific language in the declaration or bylaws was included when the project was first created. Your Committee on Conference notes that the extensive legislative history indicates this was not the intent of the Legislature.

Accordingly, amendments to this measure are necessary to clarify that condominium associations should be able to use nonjudicial foreclosure to collect delinquencies regardless of the presence or absence of power of sale language in an association's governing documents.

Your Committee on Conference has therefore amended this measure by:

- (1) Deleting language that would have permitted associations to foreclose by power of sale; provided that the association documents authorized a power of sale or nonjudicial foreclosure remedy;
- (2) Deleting language that would have made a foreclosing association that acquired a unit through a foreclosure proceeding in violation of the association alternate power of sale foreclosure process liable for reasonable damages and attorney's fees;
- (3) Deleting language that would have established an association foreclosure task force;

- (4) Inserting a purpose section;
- (5) Requiring a foreclosing association to provide a supplemental nonjudicial foreclosure notice along with any notice of default and intention to foreclose, specifying that a unit owner may request mediation, and specifying the procedures when mediation is chosen by the unit owner;
- (6) Clarifying when an association's power of sale may not be exercised;
- (7) Inserting language that clarifies the lien of an association may be foreclosed by action or by nonjudicial power of sale foreclosure regardless of the presence or absence of power of sale language in an association's governing documents;
- (8) Amending the definition of "power of sale" or "power of sale foreclosure" in chapter 667, Hawaii Revised Statutes, to include enforcement of an association lien, regardless of whether the association documents provide for a power of sale, a power of sale foreclosure, a power of sale remedy, or a nonjudicial foreclosure;
- (9) Inserting a retroactivity clause for certain provisions of this measure applicable to certain cases, actions, proceeding, or claims arising out of a nonjudicial foreclosure that arose before the effective date of this measure;
- (10) Clarifying that this measure shall not be applied so as to impair any existing contracts in a manner that violates the Hawaii State Constitution or United States Constitution;
- (11) Inserting a severability clause;
- (12) Changing its effective date to upon approval; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 551, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 551, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Takumi, Lee and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 66 on S.B. No. 1342

The purpose of this measure is to establish restrictions on donative transfers to protect transferors from coercive, exploitative, or otherwise improper transfers benefitting persons involved with drafting the transfer instrument or persons who have a significant influence over the transferor.

Your Committee on Conference finds that donative transfers to others with whom the drafter of the transferring instrument is in a special relationship, due to blood, marriage, business, or a legal relationship, run the risk of the donative transfer being subject to undue influence. This measure enacts safeguards to ensure that a donative transfer represents the intention of the transferor and is not compromised by an act of the transferee.

Your Committee on Conference has amended this measure by:

- Requiring the Chief Justice of the Hawaii Supreme Court to study and analyze the national landscape of donative transfer statutes and suggest revisions to Hawaii's law;
- (2) Making the measure effective upon its approval; provided that the restriction on donative transfers shall take effect on July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1342, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1342, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kim, Wakai and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Lee, Morikawa, San Buenaventura and Thielen.

Managers on the part of the House.

Ayes, 3; Ayes with Reservations (Morikawa, Thielen). Noes, none. Excused, 1 (San Buenaventura).

## Conf. Com. Rep. 67 on S.B. No. 330

The purpose of this measure is to require the Department of Human Services to:

(1) Implement an earned income disregard program as an intermediate step to implementing a full Medicaid buy-in program; and

(2) Submit reports to the Legislature.

Your Committee on Conference finds that the Medicaid Buy-In Task Force recommended an earned income disregard as an interim step to a Medicaid buy-in program, to allow individuals with disabilities to earn income and not lose their Medicaid benefits, which they would be at risk of losing given the current Medicaid eligibility rules. While this interim program would not provide the full benefits of a Medicaid buy-in program, it would increase the amount of income an individual could earn while retaining Medicaid eligibility, encourage the employment of individuals with disabilities, and enable current Medicaid beneficiaries to become more self-sufficient.

Your Committee on Conference has amended this measure by:

- (1) Requiring the Department of Human Services to allow an earned income disregard of one hundred thirty-eight percent of the federal poverty level for people with disabilities who are between the ages of sixteen and sixty-four years;
- (2) Changing the effective date to upon approval; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 330, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 330, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Riviere, Ihara, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, none. Excused, none.

Representatives San Buenaventura, Nakamura, Kitagawa and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Ward).

### Conf. Com. Rep. 68 on S.B. No. 1226

The purpose of this measure is to:

- Require criminal history record checks of adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services;
- (2) Clarify the role and response of the Child Care Licensing Program when it receives a report of death or injury of a child in a child care setting;
- (3) Address the release of information pending an investigation; and
- (4) Increase penalties and clarify that the Department of Human Services may take administrative and judicial action to enforce child care licensing requirements.

Your Committee on Conference finds that existing law does not require criminal history record checks from adult relatives who provide care for a child whose family receives a child subsidy from the Department of Human Services. This measure makes criminal history record checks mandatory for potential child care providers and increases penalties for people who engage in illegal child care. This measure provides the Department of Human Services with more tools to quickly enforce violations, protect children from predators, provide children with safer care, and deter people from engaging in illegal child care.

Your Committee on Conference amends this measure by:

- (1) Clarifying that violators shall be fined up to \$1,000 for each day of violation;
- (2) Changing its effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1226, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1226, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Rhoads).

Representatives San Buenaventura, Lee, Nakamura and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 69 on S.B. No. 1058

The purpose of this measure is to:

- (1) Require the Attorney General to prepare, after consultation with the Legislative Reference Bureau, a clear statement in English and Hawaiian for each constitutional amendment that indicates the purpose, limitations, and effects of the proposed amendment:
- (2) Require the Office of Elections and county clerks to make the statement available to the public at all polling places in the State and on a website operated by the Office of Elections; and
- (3) Appropriate funds for the translation, preparation, and distribution of statements for proposed constitutional amendments.

Your Committee on Conference finds that clear information about what a proposed constitutional amendment would do and how the voting process for a proposed constitutional amendment works are important to voters understanding their role in the process and making an informed decision. This measure will facilitate voter understanding of proposed amendments to the state constitution by requiring the Attorney General to prepare a clear statement in English and Hawaiian for each proposed amendment.

Your Committee on Conference has amended this measure by:

- (1) Removing the appropriation section;
- (2) Changing the effective date to January 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1058, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1058, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kanuha, Gabbard and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, 1 (Gabbard).

Representatives Lee, Gates and Thielen. Managers on the part of the House. Ayes, 2. Noes, none. Excused, 1 (Thielen).

### Conf. Com. Rep. 70 on S.B. No. 335

The purpose of this measure is to ensure equal access to notice of public meetings.

Your Committee on Conference finds that the state sunshine law, which allows individuals to request mailed hard copies of meeting notices, does not provide the same access to notice of public meetings to individuals with disabilities who lack computer access or cannot use a computer due to a disability. This measure amends existing law related to public meetings and ensures equal access to open government meetings and forums.

Your Committee on Conference has amended this measure by:

- (1) Removing language requiring boards to post public meeting notices in an accessible format on an electronic calendar on a website maintained by the State or county;
- (2) Removing language specifying that electronic copies of all meeting notices posted by the Lieutenant Governor's office or county clerk's office must be accessible;
- (3) Updating the purpose section;
- (4) Changing its effective date to upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 335, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 335, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Thielen, Rhoads, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives San Buenaventura, Matayoshi, Holt and Thielen.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 71 on S.B. No. 985

The purpose of this measure is to issue special purpose revenue bonds to assist Pearl Harbor Floating Drydock, LLC, in the construction of a purpose-built floating drydock to service submarines and surface ships at Pearl Harbor.

Your Committee on Conference finds that supporting this industrial enterprise project will enhance ship repair capacity within the State and stimulate long-term economic benefits by keeping a greater number of submarine and surface ship repair projects located in Hawaii.

Your Committee has amended this measure by:

- (1) Changing the maximum amount of special purpose revenue bonds authorized for issuance from an unspecified amount to \$60,000,000; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 985, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 985, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives McKelvey, Kitagawa, Cullen and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 72 on H.B. No. 463

The purpose of this measure is to assist farmers in complying with new federal food safety requirements by:

- (1) Requiring the Department of Agriculture (DOA) to partner with Hawaii's agricultural community to establish a Food Safety Certification Program (Program) that assists small to medium sized farms in obtaining United States Department of Agriculture Good Agricultural Practices certification or its equivalent; and
- (2) Appropriating funds for each year of fiscal biennium 2019-2021 for DOA to implement the Program.

Your Committee on Conference has amended this measure by:

- (1) Appropriating \$150,000 for fiscal year 2019-2020 for DOA to implement the Program; and
- (2) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 463, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 463, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Inouve and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives DeCoite, McKelvey, Kitagawa, Quinlan and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McKelvey).

### Conf. Com. Rep. 73 on H.B. No. 1375

The purpose of this measure is to support the State of Hawaii Museum of Natural and Cultural History (State Museum) by:

- Beginning with the 2021-2023 fiscal biennium, requiring the Governor to include in the Executive Budget no less than \$2,000,000 per fiscal year as a recurring cost for the State Museum; and
- (2) Appropriating funds for each year of fiscal biennium 2019-2021 to support the work of the State Museum, including collection care and student learning programs.

Your Committee on Conference has amended this measure by:

- (1) Deleting the requirement that funding for the State Museum be included in the Executive Budget;
- (2) Appropriating \$874,000 for each year of fiscal biennium 2019-2021 to support the State Museum, including the hiring of necessary staff; provided that funds appropriated shall be in addition to and shall not supplant any portion of the base budget of the Department of Budget and Finance (B&F) for the State Museum;
- (3) Changing the expending agency to B&F;
- (4) Changing its effective date to July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1375, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1375, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Onishi, Yamane, Holt and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 74 on H.B. No. 1157

The purpose of this measure is to exempt students in post-secondary education programs from immunization requirements if they attend classes exclusively online or through distance learning, under certain conditions.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that if a student needs to go on campus for any reason related to their online or distance learning class, the student shall be subject to the immunization requirements of title 11, chapter 157, Hawaii Administrative Rules, prior to entering the campus; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1157, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1157, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Baker, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Woodson, B. Kobayashi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 75 on H.B. No. 1032

The purpose of this measure is to authorize the Board of Land and Natural Resources to lease any existing state boating facility, including fast and submerged lands within the facility, in its entirety and without prior legislative approval for private development, management, and operation; provided that the lessee has fulfilled community engagement requirements and responded to community concerns regarding the lessee's proposed development plans. This measure also repeals an obsolete statutory provision regarding allowable leases of fast lands and submerged lands at Ala Wai Boat Harbor.

Your Committee on Conference has amended this measure by:

- (1) Converting the authorization for the Board of Land and Natural Resources to lease any state boating facility in its entirety to a five-year state boating facility lease pilot program that:
  - (A) Authorizes the Board to lease Manele Small Boat Harbor on the island of Lanai in its entirety by public auction, request for proposals, or direct negotiation without prior legislative authorization; and
  - (B) Preserves the community engagement and community response requirements;
- (2) Deleting the provision regarding lease of fast lands and submerged lands at Ala Wai Boat Harbor; and
- (3) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1032, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1032, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kahele, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Yamane, Lowen, Todd, Tarnas and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Lowen).

## Conf. Com. Rep. 76 on H.B. No. 1413

The purpose of this measure is to authorize the Director of Finance to issue Special Purpose Revenue Bonds to assist E Ola Mau Na Leo O Kekaha, a Hawaii nonprofit corporation, with obtaining, remediating, and developing the old Kekaha Sugar Mill to create a smart farming enterprise, tourist and cultural center, community sunshine market, community greenhouse, and community manufacturing and incubator facility.

Your Committee on Conference has amended this measure by:

(1) Specifying a bond authorization amount of \$10,000,000;

- (2) Specifying that E Ola Mau Na Leo O Kekaha will undertake its development activities through its subsidiary entity, Kekaha Community Development Corporation; and
- (3) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1413, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1413, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Yamane, Todd, Morikawa, Nakamura and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 77 on H.B. No. 703

The purpose of this measure is to:

- (1) Prohibit any person convicted of Operating a Vehicle Under the Influence of an Intoxicant (OVUII) or Habitually Operating a Vehicle Under the Influence of an Intoxicant (HOVUII) from purchasing or publicly consuming alcohol for a probation period to be determined by the court, following sentencing or administrative license revocation;
- (2) Amend the sentencing requirements for OVUII and HOVUII offenses;
- (3) Amend the threshold for HOVUII offenses; and
- (4) Require the President of the Senate and the Speaker of the House of Representatives to convene a task force to review existing laws relating to driving under the influence of an intoxicant.

Your Committee on Conference has amended this measure by:

- (1) Deleting language prohibiting any person convicted of OVUII or HOVUII from purchasing or publicly consuming alcohol for a probation period to be determined by the court, following sentencing or administrative license revocation;
- (2) Preserving the statutory language that provides a time period for triggering HOVUII offenses;
- (3) Amending the scope of the task force by requiring it to examine and propose legislation that would allow the courts, under certain circumstances, to prohibit a person convicted of OVUII or HOVUII from purchasing or publicly consuming alcohol for a probation period;
- (4) Changing its effective date to July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 703, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 703, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Nishihara, Rhoads, Kahele and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, none. Excused, none.

Representatives Lee, Eli and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 78 on S.B. No. 375

The purpose of this measure is to require the Department of Agriculture, in cooperation with the Office of the Governor, to develop a strategic plan to achieve the Governor's goal of doubling local food production and increasing food exports by 2030.

Your Committee on Conference finds that in order to meet the Governor's goal of doubling local food production and increasing food exports, issues such as preserving agricultural land, identifying food crops for local production, and improving irrigation and agricultural infrastructure should be addressed. Your Committee on Conference further finds that requiring the Department of Agriculture and the Office of the Governor to collaborate to create a strategic plan that identifies strategies and measurable benchmarks for doubling local food production and increasing food exports can help ensure that this goal will be achieved by 2030.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$100,000 for development of the strategic plan and changing the means of financing from general revenues to the agricultural development and food security special fund; and
- (2) Making it effective on July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 375, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 375, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Creagan, Wildberger, Cachola, DeCoite and Okimoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, 1 (Cachola).

#### Conf. Com. Rep. 79 on S.B. No. 804

The purpose of this measure is to:

- (1) Establish the culturally competent palliative care pilot program to promote palliative care, gather health care utilization data, and conduct bidding for at least two pilot programs for home- or community-based palliative care;
- (2) Require reports to the Legislature on how funds were expended for the culturally competent palliative care pilot program;
- (3) Establish an advisory group to oversee implementation of the pilot program; and
- (4) Appropriate funds for the pilot program.

Your Committee on Conference finds that palliative care, which focuses on providing patients with symptom relief from serious illness, significantly improves the quality of life of patients and their families. However, palliative care usage rates in Hawaii are lower than on the mainland, in part because Asian and Pacific Islanders are less likely to enroll in palliative care options. Your Committee on Conference further finds that establishing the culturally competent palliative care pilot program is a promising step toward increasing patient, family, and provider engagement with palliative care options.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$250,000 for the palliative care pilot program;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 804, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 804, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, English, Nishihara and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Nishihara).

Representatives Mizuno, Takumi, B. Kobayashi and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 80 on S.B. No. 1212

The purpose of this measure is to require third-party administrators to be licensed and regulated by the Insurance Commissioner.

Your Committee on Conference finds that third-party administrators collect charges or premiums from residents in the State in connection with insurance policies, or adjust or settle claims on those policies. Hawaii is one of eight states and jurisdictions that do not regulate third-party administrators. This measure is based on the National Association of Insurance Commissioner's Registration and Regulation of Third-Party Administrators Guideline, which offers flexible, bright line rules to help states tailor and adopt measures particular to their own needs. This measure regulates third-party administrators, ensures adequate consumer protection, and promotes transparency of third-party administrators by requiring licensure, encouraging disclosure of contracts between insurers and third-party administrators, and promoting the financial responsibilities of third-party administrators.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to January 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1212, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1212, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keohokalole and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Takumi, Nakamura, Cachola and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Cachola).

### Conf. Com. Rep. 81 on S.B. No. 471

The purpose of this measure is to:

- (1) Appropriate funds to homeless programs, including outreach, rapid re-housing, housing first, family assessment centers, and diversion programs and the coordinated statewide homelessness initiative; and
- (2) Establish a long-term rental assistance pilot program for individuals over sixty years old who are homeless or at risk of becoming homeless.

Your Committee on Conference recognizes that Hawaii must prioritize programs and services that are the most cost-effective and target the most vulnerable populations, such as rapid re-housing, housing first, family assessment centers, and homeless outreach and civil legal services stored property and debris removal services, and the State rental supplement program. These programs and services are critically necessary to address homelessness in Hawaii. Your Committee on Conference notes that funding for stored property and debris removal services and the State rent supplement program are also core homeless services and programs that should be funded.

Accordingly, your Committee on Conference has amended this measure by:

- Removing language that appropriated funds to the law-enforcement assisted diversion and coordinated statewide homelessness initiative.
- (2) Removing language that established and appropriated funds for a long-term assistance pilot program for elderly who are homeless:
- (3) Inserting specific appropriation amounts for the Department of Human Services for the housing first program, rapid re-housing program, family assessment centers, and homeless outreach and civil legal services and making a conforming amendment to clarify that the monies are to be expended by the Department of Human Services;
- (4) Inserting an appropriation of \$3,000,000 to fund stored property and debris removal services and authorizing the Department of Human Services to contract with another entity to perform any related services;
- (5) Inserting an appropriation of \$1,000,000 for the State rental supplement program, under the administration of the Hawaii Public Housing Agency;
- (6) Changing the effective date to July 1, 2019; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 471, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 471, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Chang, Harimoto, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

Representatives San Buenaventura, Brower, Nakamura, Wildberger and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Wildberger, Ward).

## Conf. Com. Rep. 82 on S.B. No. 192

The purpose of this measure is to implement certain recommendations of the criminal pretrial task force convened pursuant to House Concurrent Resolution No. 134, H.D. 1, Regular Session of 2017, to reform bail and other pretrial practices and procedures.

Your Committee on Conference finds that the cash-secured bail system unjustly disadvantages low-income individuals and their families. Your Committee on Conference further finds that individuals without the financial resources to pay the necessary amount of bail can be detained for weeks, months, or longer, and can additionally face the loss of employment, housing, or custody of children. Your Committee on Conference additionally finds that there should be a means for courts to release defendants on unsecured bail under certain circumstances.

Your Committee on Conference has amended this measure by:

- (1) Deleting substantive provisions of the bill and only retaining language that authorizes the court to release a defendant in custody on unsecured bail and specifying what a court may consider in granting or denying unsecured bail;
- (2) Making it effective upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 192, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 192, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran, Gabbard and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, Lee, Gates and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

### Conf. Com. Rep. 83 on H.B. No. 757

The purpose of this measure is to:

- (1) Require the Department of Transportation and the county transportation departments to adopt a vision zero policy to prevent and eliminate traffic fatalities through engineering, enforcement, education, and emergency response strategies; and
- (2) Require the State Highway Safety Council to collaborate with county traffic or highway safety councils to develop a vision zero action plan and submit reports to the Legislature.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 757, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 757, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Nishihara, Moriwaki, Harimoto and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Representatives Aquino, Lee, Hashimoto, Nakamura and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Nakamura, McDermott).

## Conf. Com. Rep. 84 on H.B. No. 333

The purpose of this measure is to:

- (1) Establish the State Highway Enforcement Program to enforce illegal parking violations and provide for parking management improvements; and
- (2) Impose a parking violation surcharge, in addition to other penalties and fines, for parking violations on state highways.

Your Committee on Conference as amended this measure by:

- (1) Making this measure effective on July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 333, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 333, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Nishihara, Rhoads, Kahele and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Nishihara).

Representatives Aquino, Lee, Hashimoto, Nakamura and McDermott.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 85 on H.B. No. 812

The purpose of this measure is to regulate the use of low-speed electric bicycles by:

- (1) Prohibiting persons under the age of fifteen from operating a low-speed electric bicycle; and
- (2) Expanding the statutory definition of "bicycle" to include low-speed electric bicycles for purposes of regulation under highway safety laws and the Statewide Traffic Code.

Your Committee on Conference has amended this measure by:

- (1) Inserting language establishing a permanent registration fee for low-speed electric bicycles;
- (2) Making this measure effective July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 812, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 812, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Kahele, Harimoto, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Aquino, Lee, Hashimoto, Nakamura and McDermott.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

#### Conf. Com. Rep. 86 on H.B. No. 1033

The purpose of this measure is to require owners of vessels that are:

- At least twenty-six feet long and registered with the Department of Land and Natural Resources or operated with a valid United States Coast Guard documentation number; or
- (2) Grounded anywhere in the State or state ocean waters,

to maintain marine insurance coverage with a limit of at least \$100,000 per occurrence that includes coverage for removal and salvage of a grounded vessel. This measure also permits the Department of Land and Natural Resources to grant exceptions to the insurance requirement to transient vessels that are not moored in any facility under the Department's jurisdiction.

Your Committee on Conference has amended this measure by:

- (1) Requiring, rather than authorizing, the Department to adopt administrative rules to implement the insurance requirement; and
- (2) Changing its effective date to December 31, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1033, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1033, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kahele, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Yamane, Takumi, Todd and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 87 on H.B. No. 444

The purpose of this measure is to require the Department of Health to evaluate and determine the best practical standards for alternative, onsite non-potable water reuse systems and to report its findings to the Legislature.

Your Committee on Conference has amended this measure by:

- (1) Directing the Department of Health to adopt a localized set of rules for onsite non-potable water reuse systems with guidance from the Water Environment and Reuse Foundation and Water Research Foundation's publication, "A Guidebook for Developing and Implementing Regulations for Onsite Non-Potable Water Systems" rather than directing the Department to evaluate standards; and
- (2) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 444, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 444, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Ruderman, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Yamane, Cullen, Todd and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

### Conf. Com. Rep. 88 on H.B. No. 993

The purpose of this measure is to amend the management structure and functions of the Hawaii Emergency Management Agency and to increase the expenditure ceiling for funds allocated to the Agency. Specifically, this measure:

- (1) Transfers statutory authority for Agency staffing, inter-agency coordination, establishment and management of a reserve corps, and Agency expenditures from the Adjutant General, acting in the Adjutant General's capacity as Director of the Hawaii Emergency Management Agency, to the Agency Administrator;
- (2) Specifies the required contents and functions of the State Comprehensive Emergency Management Plan, which shall be integrated into and coordinated with emergency management plans of the federal and county governments and shall include participation by public, private, and individual interests, and the Agency's duties and functions in establishing and carrying out the plan;
- (3) Requires that the counties' emergency management plan be comprehensive, adhere to standards developed by the Agency, and be coordinated and consistent with the state plan and requires the counties to annually submit reports on the status of and updates to their plans to the Agency;
- (4) Renames the Emergency Reserve Corps as the Emergency Management Reserve Corps, includes day-to-day emergency management functions in the Corps' authorized functions, and amends Corps' members annual required paid duties; and
- (5) Increases the expenditure ceiling for the Major Disaster Fund for immediate relief during a declared state of emergency by an unspecified amount, increases the annual allotment ceiling from the Fund to support the Emergency Management Reserve Corps by an unspecified amount, and provides for the annual roll-over of unspent funds under \$2,500,000.

Your Committee on Conference has amended this measure by:

- (1) Increasing the expenditure ceiling for the Major Disaster Fund from \$5,000,000 to \$10,000,000;
- (2) Increasing the allotment from the Major Disaster Fund to support the Emergency Management Reserve Corps from \$100,000 to \$250,000;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 993, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 993, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Kahele and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, San Buenaventura, Gates, Kong and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McDermott).

# Conf. Com. Rep. 89 on H.B. No. 89

The purpose of this measure is to address proper disposal and storage of confiscated fireworks and authorize the courts to impose additional fines for confiscated fireworks.

Your Committee on Conference has amended this measure by providing safeguards for the public from illegal fireworks by:

- (1) Establishing criminal liability for a person who is responsible for real property and intentionally, knowingly, or recklessly allows others, while on the real property, to possess, set off, ignite, or otherwise cause to explode any illegal aerial device;
- (2) Establishing criminal penalties, including a fine of at least \$500 and no more than \$2,000, for liable real property owners;
- (3) Clarifying that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings, including any photograph or video made using an unmanned aerial vehicle;
- (4) Changing the effective date to upon its approval; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 89, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 89, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Rhoads, Kidani, Harimoto and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Representatives Takayama, Lee, Gates, Kong and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McDermott).

#### Conf. Com. Rep. 90 on H.B. No. 1163

The purpose of this measure is to authorize a financial institution that is a depository institution to conduct savings promotion or prize-linked savings contests in which its account holders are contestants.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1163, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1163, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Ohno, Nakamura, Gates, D. Kobayashi and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McDermott).

#### Conf. Com. Rep. 91 on H.B. No. 66

The purpose of this measure is to repeal the existing Uniform Athlete Agents Act (Uniform Act) and replace it with the Revised Uniform Athlete Agents Act, which applies to certain financial advisers and makes other changes to the Uniform Act to increase effectiveness and enforceability.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 66, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 66, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Ohno, Takumi, Todd, Gates, D. Kobayashi and McDermott.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (McDermott).

# Conf. Com. Rep. 92 on H.B. No. 1273

The purpose of this measure is to:

- (1) Establish the Medicaid Waiver Administrative Claiming Special Fund (Special Fund) to allow the Department of Health to collect all revenues from Medicaid administrative claiming allowed for the operation of the State's home and communitybased services waiver for persons with intellectual and developmental disabilities; and
- (2) Require the Department of Health, in conjunction with the Department of Human Services and other stakeholders, to develop and distribute educational materials informing individuals with intellectual or developmental disabilities on how to access Medicaid services and the types of Medicaid services available.

Your Committee on Conference has amended this measure by:

- (1) Removing language exempting the Special Fund from central service and administrative expenses assessments;
- $(2) \quad Inserting \ the \ appropriation \ amount \ of \$900,000 \ out \ of \ the \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ and \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ And \ Special \ Fund \ for \ Fiscal \ Year \ 2019-2020 \ only; \ And \ Special \ Fund \ Fund$
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1273, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1273, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Moriwaki, Chang, Thielen and Fevella.

Managers on the part of the Senate. Ayes, 5. Noes, none. Excused, none.

Representatives Mizuno, San Buenaventura, B. Kobayashi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 93 on H.B. No. 1453

The purpose of this measure is to:

- (1) Authorize the Department of Health to establish reasonable fees to be collected from individuals who are transported by emergency ambulance services to a medical facility, or are treated as part of a community paramedicine program but not transported to a medical facility;
- (2) Require the State's Medicaid program to provide coverage for ambulance services and permit the State's Medicaid program to provide coverage for statewide community paramedicine services by emergency services personnel; and
- (3) Require private health insurance plans to cover ambulance services and statewide community paramedicine services rendered by emergency services personnel.

Your Committee on Conference has amended this measure by:

- (1) Inserting language clarifying that reasonable fees are to be established for transportation by ground ambulance only;
- (2) Broadening the scope of coverage for treatment for an individual who is not subsequently transported to a health care facility to include coverage provided by all emergency services personnel, not only emergency services personnel who are acting as part of a community paramedicine program;
- (3) Inserting language statutorily establishing a community paramedicine program;
- (4) Permitting, rather than requiring, the State's Medicaid program to cover ground ambulance transportation services;
- (5) Removing language requiring coverage of ambulance and community paramedicine services by private health insurance plans;
- (6) Requiring the Department of Health to submit a report to the Legislature prior to the regular sessions of 2020, 2021, 2022, and 2023;
- (7) Changing the effective date to July 1, 2019; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1453, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1453, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Moriwaki, Chang, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Luke, Cullen and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 94 on H.B. No. 1558

The purpose of this measure is to:

- (1) Require the Office of Planning to update the Hawaii 2050 Sustainability Plan (Plan) and submit the updated Plan to the Legislature prior to the Regular Session of 2021 and every tenth session thereafter, using the goals and priority guidelines of the Hawaii State Planning Act and the Hawaii Climate Change Mitigation and Adaptation Initiative as guiding principles; and
- (2) Appropriate funds to update the Plan.

Your Committee on Conference has amended this measure by:

- (1) Inserting the appropriation amount of \$150,000 for fiscal year 2019-2020; and
- (2) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1558, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1558, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Kahele, Riviere, Chang and Fevella.

Managers on the part of the Senate.

Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Representatives Lowen, Yamane, Wildberger, Har and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Yamane).

# Conf. Com. Rep. 95 on H.B. No. 1548

The purpose of this measure is to appropriate funds to the Department of Land and Natural Resources to study and combat rapid ohia death.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$750,000 for fiscal year 2019-2020;
- (2) Deleting language which would have appropriated funds for fiscal year 2020-2021; and
- (3) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1548, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1548, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kahele, Gabbard, Inouye and Fevella.

Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Yamane, Todd, Tarnas and Thielen.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 96 on H.B. No. 1319

The purpose of this measure is to authorize the Department of Budget and Finance to issue special purpose revenue bonds for the purpose of assisting Hawaiian Electric Company, Inc., including its subsidiaries Maui Electric Company, Limited, and Hawaii Electric Light Company, Inc., for capital improvement projects.

Your Committee on Conference has amended this measure by:

- (1) Inserting a total special purpose revenue bond issuance amount of \$700,000,000, to be distributed as follows:
  - (A) Up to \$400,000,000 for Hawaiian Electric Company, Inc.;
  - (B) Up to \$150,000,000 for Maui Electric Company, Limited; and
  - (C) Up to \$150,000,000 for Hawaiian Electric Light Company, Inc.;
- Providing that any benefits or savings realized due to the issuance of special purpose revenue bonds shall be apportioned to ratepayers;
- (3) Changing its effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1319, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1319, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keith-Agaran, Keohokalole, Ruderman and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Lowen, Cullen and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

## Conf. Com. Rep. 97 on S.B. No. 9

The purpose of this measure is to:

- (1) Require the Hawaii Public Housing Authority to adopt rules, without regard to chapter 91, Hawaii Revised Statutes, to reimburse section 8 landlords for repair costs of tenant-caused property damage under certain circumstances; and
- (2) Appropriate funds for the reimbursement program and to establish one full-time equivalent position to assist and administer the reimbursement program.

Your Committee on Conference finds that the section 8 program is one of the federal government's major programs for assisting very low income families, the elderly, and the disabled to afford decent, safe, and sanitary housing. Your Committee on Conference further finds that the section 8 program currently brings in approximately \$32,680,000 a year on the island of Oahu, which supports over 2,337 families and over 6,400 individuals. There is an overwhelming need in the State to assist low-income families and individuals obtain affordable housing. Your Committee on Conference believes that providing financial protection for property owners and landlords will incentivize more property owners and landlords to participate in the section 8 housing voucher program, thereby creating more housing opportunities for those who need it most.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$450,000 for fiscal year 2019-2020 to reimburse landlords participating in the section 8 housing choice voucher program for repair costs of certain tenant-caused property damage;
- (2) Deleting language that would have authorized the funds appropriated to be used to establish one full-time equivalent position to assist and administer the reimbursement program;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 9, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 9, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Moriwaki and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Brower, Matayoshi, Hashem and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

## Conf. Com. Rep. 98 on S.B. No. 1241

The purpose of this measure is to add the Department of Health to the list of state departments that have access to the energy data collected pursuant to chapter 486J, Hawaii Revised Statutes, in order to increase the accuracy and reduce the levels of uncertainty in the Department of Health's annual greenhouse gas progress reports.

Your Committee on Conference finds that climate change poses a serious threat to the State. The Department of Health prepares annual greenhouse gas progress reports and is the primary agency with regulatory oversight of Hawaii's greenhouse gas emissions. Your Committee on Conference also finds that existing state law prohibits the Department of Business, Economic Development, and Tourism from sharing energy data in its original form with the Department of Health. This measure allows the Department of Business, Economic Development, and Tourism to share original energy data with the Department of Health, which will reduce uncertainty, result in more accurate statewide greenhouse gas emissions inventories, and provide a more reliable basis for future greenhouse gas reduction efforts.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1241, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1241, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Baker, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Wildberger, Tarnas and Thielen.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 99 on S.B. No. 1223

The purpose of this measure is to extend the sunset date to July 1, 2024, for:

- (1) Act 141, Session Laws of Hawaii 2009, as amended (Act 141), which requires each county to issue affordable housing credits to the Department of Hawaiian Home Lands; and
- (2) Act 98, Session Laws of Hawaii 2012, as amended (Act 98), which requires the counties to issue affordable housing credits for each residential unit, or vacant lot if allowed under the county's affordable housing program, developed by the Department of Hawaiian Home Lands.

Your Committee on Conference finds that the State's need for more affordable housing is an immediate and ever-growing concern that must be addressed. Providing multiple avenues for project development, including by the counties and through departments, is an important step toward increasing the State's affordable housing inventory. Your Committee on Conference further finds that extending the sunset date of Act 141 and Act 98 ensures the Department of Hawaiian Home Lands can continue to utilize county affordable housing credits to gain resources to develop affordable housing options for its beneficiaries.

Your Committee on Conference has amended this measure by changing its effective date to June 30, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1223, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1223, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Chang, Riviere, Nishihara and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Representatives Yamane, Todd and McDermott.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 100 on S.B. No. 817

The purpose of this measure is to:

- (1) Authorize the sale of stored property insurance by self-service storage facility owners under certain conditions; and
- (2) Require self-service storage facility owners to hold a limited lines license to sell, solicit, or offer coverage under a stored property insurance policy.

Your Committee on Conference finds that the storage tenant is responsible for insuring the property that is stored in a self-service storage unit. However, approximately fifty percent of storage tenants are in transition and do not have a homeowner's policy or renter's insurance policy covering their stored property, while tenants that do have homeowner's or renter's insurance are subject to a much larger deductible. Furthermore, stand-alone insurance coverage for stored property is not typically offered by insurance agents because the commission payments are low. This measure fills the existing gap in the State's insurance market and allows licensed self-service storage facility owners to provide stored property insurance.

Your Committee on Conference has amended this measure by:

- (1) Establishing provisions related to self-storage occupants' insurance as a new part in chapter 431, article 9A, Hawaii Revised Statutes, rather than as a new article in this chapter;
- (2) Inserting a definition for "commissioner";
- (3) Clarifying the definition of "owner";
- (4) Clarifying that a self-storage facility owner is not required to hold a license for purposes of displaying brochures and promotional materials on behalf of an authorized insurer, rather than an authorized insurer or surplus lines insurer;
- (5) Clarifying that the supervising entity shall maintain a registry of owner locations, employees, and representatives that are authorized to sell, solicit, or offer stored property insurance and clarifying the Insurance Commissioner's authority to inspect and examine the registry;
- (6) Deleting language that would have required each stored property insurance program to establish eligibility and underwriting standards for occupants electing to enroll in coverage;
- (7) Clarifying that an employee or authorized representative shall receive training prior to engaging in the activity of selling, soliciting, or offering stored property insurance;
- (8) Deleting language that would have permitted owners to receive compensation for billing and collection services;
- (9) Clarifying the length of time that initial and renewed licenses shall remain valid;
- (10) Clarifying the application and license fees that shall be paid by each licensed owner;
- (11) Inserting language that permits the Insurance Commissioner to issue a limited license to any owner of a self-service storage facility to sell stored property insurance;
- (12) Updating the purpose section;
- (13) Changing the effective date to January 1, 2020; and
- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 817, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 817, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, English, Nishihara and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Ohno, Takumi, Nishimoto, D. Kobayashi and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McDermott).

# Conf. Com. Rep. 101 on S.B. No. 991

The purpose of this measure is to:

(1) Cap annual utility rate increases without Public Utilities Commission approval for counties with a population of less than 500,000;

- (2) Provide telecommunications service providers with flexibility from certain regulatory oversight requirements, including issuance of securities and other evidences of indebtedness and sales or disposition of property or equipment, if the utility is providing fully competitive retail services and specific conditions are met; and
- (3) Specify other requirements related to flexibility for telecommunications service providers.

Your Committee on Conference finds that in the past several decades, as the telecommunications industry has become more competitive, regulation of businesses offering telecommunications services in Hawaii has been significantly reduced through legislative action and Public Utilities Commission orders. Your Committee on Conference further finds that enabling robust competition in the market and supporting a level playing field for all competitors, while also ensuring high quality customer service from telecommunications service providers and non-discriminatory access to infrastructure in less-competitive rural markets and on neighbor islands, is in the public interest.

Your Committee on Conference has amended this measure by:

- Clarifying that a telecommunications carrier shall not be required to obtain approval or provide any cost support or other information to establish or otherwise modify in any manner its retail intrastate telecommunications service rates, fares, charges, and terms and conditions; and
- (2) Changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 991, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 991, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Chang).

Representatives Ohno, Takumi, Nishimoto and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

# Conf. Com. Rep. 102 on S.B. No. 1231

The purpose of this measure is to:

- (1) Update the name of the spouse and child abuse special fund;
- (2) Exempt the spouse and child abuse special fund from the administrative expense assessment;
- (3) Allow the Department of Human Services to retain reimbursements of federal funds to provide funding for child abuse and neglect prevention and intervention services; and
- (4) Specify the maximum amount that may be retained in the spouse and child abuse special fund and require all amounts above the maximum to lapse to the credit of the general fund.

Your Committee on Conference finds that, beginning on October 1, 2019, the federal Family First Prevention Services Act will permit states the option of using Social Security Title IV-E (Title IV-E) funds for child abuse prevention services. However, under existing state law, the Department of Human Services is not allowed to retain federal reimbursement funds received in the following fiscal year from which they were expended. Your Committee on Conference finds that this measure allows the Department of Human Services to take advantage of the federal option by permitting the Department to retain Title IV-E federal reimbursements in the spouse and child abuse special fund, which will help to stabilize child welfare program funding.

Your Committee on Conference has amended this measure by:

- (1) Removing language exempting the spouse and child abuse special fund from the administrative expense assessment;
- (2) Setting the maximum amount that may be retained in the spouse and child abuse special fund at \$3,000,000;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1231, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1231, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Riviere, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives San Buenaventura, Nakamura, Belatti, Tokioka and Ward.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Belatti, Tokioka).

# Conf. Com. Rep. 103 on S.B. No. 383

The purpose and intent of this measure is to:

- (1) Require the Department of Education to establish a mandatory youth suicide awareness and prevention training program and model risk referral protocol, based on existing materials created by the Department of Health, for all public schools, including charter schools; and
- (2) Require charter schools to provide the training program and risk referral protocol to all school personnel who work directly with students in kindergarten through grade twelve.

Your Committee on Conference finds that Hawaii has very high rates of suicide, suicide attempts, and suicidal ideation amongst various age groups, especially among youth. Suicide-related behavior has a serious and profound impact on communities that can be reduced with education, awareness, and appropriate mental health treatment. Therefore, this measure requires the provision of proper training and system protocols to ensure safe learning environments that support the educational, emotional, and physical well-being of all students.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2019; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 383, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 383, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Ruderman, Baker, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Mizuno, Kitagawa and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 104 on S.B. No. 1440

The purpose of this measure is to authorize the issuance of special purpose revenue bonds to assist Trevi Systems, Inc., or its related entity, Kona Coast Water LLC, in funding plans, designs, construction, equipment, land leases, and other assets for two or more plants to desalinate water using one hundred percent renewable solar energy. The water shall be supplied to Hawaii island and potentially other islands.

Your Committee on Conference finds that this measure is in the public interest and for the public health, safety, and general welfare.

Your Committee on Conference has amended this measure by:

- (1) Changing the appropriation from an unspecified amount to 100,000,000; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1440, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1440, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kanuha, English and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Lowen, Wildberger and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 105 on S.B. No. 1348

The purpose of this measure is to clarify the intent of the Small Business Regulatory Review Board's powers when reviewing state and county administrative rules and ordinances that impact small businesses and appropriate funds for the operations and administration of the Board.

Your Committee on Conference finds that the Small Business Regulatory Review Board (Board) protects small businesses in Hawaii and ensures that state or county agency rules that could impact small businesses are consistent with state laws and county ordinances. Your Committee on Conference also finds that it is important that the Board's purview is clearly understood by the small business community, state and county agencies, Hawaii business chambers, and trade organizations. This measure will help to clarify the Board's powers.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the Board may consider requests from small business owners for review of any rule proposed, amended, or adopted by a state agency;
- (2) Clarifying that for requests regarding county rules, the Board may make recommendations to the county council or mayor;
- (3) Removing the appropriation for operations and administration of the Board;
- (4) Changing the effective date to upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1348, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1348, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Rhoads, Taniguchi and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Taniguchi).

Representatives McKelvey, Lee, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 106 on S.B. No. 1002

The purpose of this measure is to extend the authorization to issue special purpose revenue bonds to assist Honolulu Seawater Air Conditioning, LLC, under Act 113, Session Laws of Hawaii 2009, as amended by Act 150, Session Laws of Hawaii 2014.

Your Committee on Conference finds that Act 113, Session Laws of Hawaii 2009, authorized the issuance of special purpose revenue bonds to assist Honolulu Seawater Air Conditioning, LLC, in constructing a district cooling project consisting of its chilled water distribution system and balance-of-system components and structures, to assist with the development of a seawater air conditioning system in downtown Honolulu. The authorization to issue special revenue bonds was set to lapse on June 30, 2014. Act 150, Session Laws of Hawaii 2014, extended the lapse date until June 28, 2019.

Your Committee on Conference has amended this measure by

- (1) Inserting certain lapse dates for the authorization to issue special purpose revenue bonds;
- (2) Changing the effective date to June 27, 2019; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1002, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1002, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Moriwaki and Fevella. Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Lowen, McKelvey, Cullen, Wildberger and McDermott.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 107 on S.B. No. 1459

The purpose of this measure is to establish the State Commission on Surfing to promote surfing and educate people throughout the State, as well as a broader international audience, about surfing's unique connection to Hawaii.

Your Committee on Conference finds that surfing, as the state sport of Hawaii, is of significant cultural, social, and economic value to the people and State of Hawaii. However, many people are unaware of the history and unique connection that Hawaii has with surfing. This measure will establish the State Commission on Surfing (Commission) to promote surfing and its unique connection to Hawaii.

Your Committee on Conference has amended this measure by:

- (1) Removing a voting member designated by the World Surf League from the Commission;
- (2) Clarifying that the Commission shall be exempt from certain paragraphs of section 26-35(a), Hawaii Revised Statutes, rather than the entire section; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1459, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1459, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Taniguchi, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Cullen, Gates and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 108 on S.B. No. 976

The purpose of this measure is to:

- (1) Establish a pilot program for the lease of public library lands to generate revenue to meet the mission of the public libraries;
- (2) Establish the library facilities fund; and
- (3) Require the Board of Education to a submit a report to the Legislature prior to the Regular Session of 2021 and each regular session thereafter until the completion of the pilot project on various timelines, summaries, and proposed legislation.

Your Committee on Conference finds that public libraries provide an invaluable service to the community. However, there is a need to examine new and innovative methods of generating funds to support the mission of the public libraries. This measure establishes a pilot program to generate revenue through the lease of public library lands to meet the mission of the public libraries to be facilitated by the State Librarian, Board of Education, and any other appropriate agencies.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$100,000 for fiscal years 2019-2020 and 2020-2021 for a comprehensive planning study to review all state public library land sites and facilities for the pilot program; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 976, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 976, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kahele, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Yamane, Todd and Okimoto.

Managers on the part of the House.

Ayes, 4; Ayes with Reservations (Okimoto). Noes, none. Excused, none.

# Conf. Com. Rep. 109 on H.B. No. 888

The purpose of this measure is to appropriate funds to support the operations of the Maui Health System.

Your Committee on Conference has amended this measure by:

- (1) Inserting the appropriation amount of \$22,500,000 for fiscal biennium 2019-2021; and
- (2) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 888, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 888, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, English, Chang, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Nishimoto, Hashimoto, Wildberger, Yamashita and Ward.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (Yamashita).

# Conf. Com. Rep. 110 on H.B. No. 673

The purpose of this measure is to:

- (1) Provide a process for the voluntary or involuntary transfer or sale of an individual dispensary license;
- (2) Prohibit an employer from discriminating against an employee based on the employee's status as a qualifying patient;
- (3) Prohibit an employer from taking action against an employee solely based on the employee's status as a qualifying patient, or the employee's drug test testing positive for cannabis; and

(4) Specify permissible and impermissible actions by employers and employees.

Your Committee on Conference has amended this measure by:

- (1) Removing language relating to employee protections based on their status as a qualified patient or positive drug test, and the permissible and impermissible actions of employers and employees;
- (2) Removing the following restrictions related to dispensaries:
  - (A) The interisland transport of cannabis for the purpose of laboratory testing;
  - (B) The prohibition on dispensaries operating on state and federal holidays; and
  - (C) The prohibition on dispensaries from being located within 750 feet of public housing;
- (3) Making this measure effective upon its approval; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 673, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 673, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads, English, Nishihara and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Representatives Mizuno, Johanson, Lee, Cullen and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Lee).

# Conf. Com. Rep. 111 on S.B. No. 754

The purpose of this measure is to enact produce safety rules that authorize Department of Agriculture inspectors to inspect and regulate farms producing food in the State to increase food safety.

Your Committee on Conference finds that the Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption, title 21 Code of Federal Regulations part 112, establishes produce safety rules to allow for inspection and regulation of farms producing food for consumers. Your Committee on Conference further finds that authorizing Department of Agriculture inspectors to inspect and regulate farms can increase food safety in the State and promote public health.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 754, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 754, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Rhoads, Baker, Kahele and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, none. Excused, none.

Representatives Creagan, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 112 on S.B. No. 398

The purpose of this measure is to require the Department of Human Services, in partnership with the State Procurement Office, to establish and implement a training program on government procurement and other procedures for nonprofit organizations that offer homeless outreach services or manage homeless housing programs in rural areas of the State.

Your Committee on Conference finds that in order for nonprofit organizations to effectively work in concert with state and county governments, these organizations require a clear understanding of the state procurement system, including the proposal and bid processes, to most effectively offer homeless outreach services or manage homeless housing programs. Your Committee on Conference further finds that while these types of programs are robust in urban areas, homeless outreach services and homeless housing programs are lacking in rural areas of the State. This measure therefore establishes and implements a program to provide training on government procurement in rural areas of the State.

Your Committee on Conference has amended this measure by:

(1) Inserting an appropriation amount of \$120,000 for fiscal year 2019-2020 to establish and implement a government procurement training program; and

(2) Inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 398, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 398, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Thielen, Keith-Agaran, Ihara and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, San Buenaventura, Cullen and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 113 on S.B. No. 1238

The purpose of this measure is to establish the executive office on aging administrative claiming special fund to enhance the drawdown of anticipated federal funds and provide additional funding for support services for kupuna and individuals with disabilities who need long-term services and support.

Your Committee on Conference finds that establishing the executive office on aging administrative claiming special fund will enhance the drawdown of Medicaid-related federal funds, thereby optimizing revenue streams to support services for the especially vulnerable communities of kupuna and individuals with disabilities who require long-term services and support.

Your Committee has amended this measure by:

- Deleting a provision that would exempt the executive office on aging administrative claiming special fund from paying its pro
  rata share of the administrative expenses incurred by the department responsible for its operation pursuant to section 36-30,
  Hawaii Revised Statutes;
- (2) Changing the appropriation amount to \$1,443,000; and
- (3) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1238, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1238, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives San Buenaventura, Nakamura and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 114 on S.B. No. 1530

The purpose of this measure is to make the conversion of the means of financing for the Hawaii Community Development Authority staff from the Hawaii community development revolving fund to the general fund contingent upon the Hawaii Community Development Authority developing and submitting a plan to transfer its control of the Kakaako Community Development District to the City and County of Honolulu.

Your Committee on Conference finds that the conversion of means of financing for Hawaii Community Development Authority staff should take effect only after planning and proposed legislation regarding the transfer of control of the Kakaako Community Development District to the City and County of Honolulu.

Your Committee on Conference has amended this measure by:

- (1) Specifying that the Hawaii Community Development Authority shall submit its transition plan by December 31, 2023;
- (2) Changing the effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1530, S.D. 3, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1530, S.D. 3, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Dela Cruz, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Yamane, Luke and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, 1 (Yamane).

#### Conf. Com. Rep. 115 on S.B. No. 242

The purpose of this measure is to establish a task force to study issues related to the accessibility and utilization of essential services by developmentally and intellectually disabled individuals in the State.

Your Committee on Conference finds that navigation, access, and coverage of Medicaid services under the State's present system of care can be complicated to navigate. This measure establishes a task force within the Behavioral Health Services Administration of the Department of Health to study issues relating to the accessibility and utilization of essential services. Your Committee on Conference notes that the accessibility and utilization of essential services can be particularly challenging for persons with autism or fetal alcohol spectrum disorder and it is important for Hawaii to make an effort to minimize these burdens. Amendments to this measure are therefore necessary to clarify the scope of the task force and make other amendments needed to ensure that Medicaid home and community-based services and other Medicaid services are more accessible to persons with autism or fetal alcohol spectrum disorder.

Your Committee on Conference has amended this measure by:

- (1) Inserting a purpose section and naming this measure "Ann and Kelii's Law";
- (2) Amending certain requirements for the task force, including:
  - (A) Clarifying that the task force is to be established jointly within the Behavioral Health Services Administration of the Department of Health and the Med-QUEST Division of the Department of Human Services;
  - (B) Clarifying that the purpose of the task force is to review policy issues and opportunities relating to the navigation, access, and coverage of Medicaid services by persons with autism or fetal alcohol spectrum disorder;
  - (C) Updating the composition of the task force;
  - (D) Clarifying the contents of the study to be submitted to the Legislature;
  - (E) Requiring the task force to analyze and make a recommendation on whether a waiver, a waiver amendment, or any other necessary policy approval from the Centers for Medicare and Medicaid Services may be necessary to ensure certain services are accessible to persons with autism or fetal alcohol spectrum disorder; and
  - (F) Specifying reimbursement, convening, and dissolution requirements for the task force;
- (3) Requiring the Department of Human Services to seek a waiver, waiver amendment, or other necessary policy approval from the Centers for Medicare and Medicaid Services, if recommended by the task force;
- (4) Specifying that the provision of home and community-based services and other Medicaid services for individuals diagnosed with autism or fetal alcohol spectrum disorder as required by this measure applies to all plans issued under Medicaid managed care and fee-for-service programs in the State only upon approval of any policy change by the Centers for Medicare and Medicaid Services;
- (5) Requiring the Legislature to appropriate any necessary state dollars sufficient to cover the state portion of increased Medicaid expenditures arising from any approved waiver, waiver amendment, or other necessary policy approval and specifying an appropriation is required prior to implementation of any approved waiver, waiver amendment, or policy change;
- (6) Inserting a savings clause and a severability clause;
- (7) Changing its effective date to July 1, 2019; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 242, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 242, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Ruderman, Baker, Riviere, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Baker, Thielen).

Representatives Mizuno, Takumi, B. Kobayashi, Cachola and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Takumi).

# Conf. Com. Rep. 116 on S.B. No. 381

The purpose of this measure is to direct the Office of Planning, Land Use Commission, Real Estate Commission, and City and County of Honolulu Department of Planning and Permitting to study land subdivision and condominium property regime laws related to agricultural land, and report their findings and recommendations to the Legislature.

Your Committee on Conference finds that designating land for agricultural uses can increase the long-term sustainability of local agricultural production. Your Committee on Conference further finds that some agricultural lands are not being used for agricultural and enforcement of agricultural uses on agricultural lands could be improved. Your Committee on Conference therefore finds that a

study of land subdivision and condominium property regime laws would provide the necessary background and framework for improving enforcement of agricultural uses on agricultural lands.

Your Committee on Conference has amended this measure by:

- (1) Delaying the deadline for submitting the report of findings and recommendations from the study to the Legislature to no later than twenty days prior to the Regular Session of 2021;
- (2) Amending section 514B-6, Hawaii Revised Statutes, to require the counties to adopt supplemental rules governing condominium property regimes, including agricultural lands that are held in condominium property regimes, no later than July 1, 2022;
- (3) Inserting a severability clause;
- (4) Making it effective upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 381, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 381, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Gabbard, Baker and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Yamane, Creagan, Takumi, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Okimoto).

# Conf. Com. Rep. 117 on S.B. No. 1417

The purpose of this measure is to appropriate funds for burial grants for qualifying Filipino-American World War II veterans for funeral and burial costs and costs of transporting their remains to the Philippines.

Your Committee on Conference finds that many Filipino veterans have been denied full veterans benefits, including burial benefits, by the United States. Your Committee on Conference further finds that appropriating funds for burial grants for qualifying Filipino-American World War II veterans would demonstrate the State's appreciation and proper respect for their service.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$50,000;
- (2) Removing language that would have prevented the funds from lapsing to the credit of the general fund;
- (3) Requiring the funds to be matched on a one-to-one basis with private funds;
- (4) Removing language that would have capped each burial grant at \$5,000 per person; and
- (4) Making it effective on July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1417, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1417, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, Cullen, Aquino and McDermott.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (McDermott).

# Conf. Com. Rep. 118 on H.B. No. 852

The purpose of this measure is to:

- (1) Establish the Hawaii State Energy Office;
- Establish the position of Chief Energy Officer of the Hawaii State Energy Office and powers and duties of the Chief Energy Officer;
- (3) Repeal statutes establishing the Energy Resources Coordinator position, the Coordinator's powers and duties, and the Renewable Energy Facilitator position;
- (4) Appropriate funds for the Hawaii State Energy Office and for expenses and positions for the Office; and

(5) Transfer the rights, powers, functions, and duties of the Energy Resources Coordinator and State Energy Office, including existing civil service employees, to the Hawaii State Energy Office and retaining the employees' civil service status until they leave employment with the Hawaii State Energy Office.

Your Committee on Conference has amended this measure by:

- Removing the authorization for the Hawaii State Energy Office to, through a memorandum of understanding, coordinate with and utilize the Hawaii Technology Development Corporation's expertise, personnel, and powers to acquire, use, and dispose of real property and infrastructure;
- (2) Amending the allowable uses of the Energy Security Special Fund to authorize funding, to the extent possible, to the climate change mitigation and adaptation commission and the greenhouse gas sequestration task force;
- (3) Amending the amount of general funds appropriated or authorized for the operating budget of the Hawaii State Energy Office to \$2,818,077 for each year of the 2019-2021 fiscal biennium;
- (4) Reducing the temporary position ceiling for the Hawaii State Energy Office by one temporary position;
- (5) Clarifying language regarding the transfer of civil service employees to the Hawaii State Energy Office;
- (6) Amending the portion of the environmental response, energy, and food security tax to be deposited into the Energy Security Special Fund from 15 cents per barrel to 5 cents per barrel;
- (7) Deleting language which would have appropriated funds to the Department of Business, Economic Development, and Tourism for the Hawaii State Energy Office;
- (8) Appropriating \$150,000 out of the Energy Security Special Fund for fiscal year 2019-2020 to be expended by the Hawaii State Energy Office for the purposes of conducting a study of carbon pricing, including whether and how a carbon pricing policy shall be implemented in Hawaii;
- (9) Changing its effective date to July 1, 2019; and
- (10) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 852, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 852, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Representatives Lowen, Luke and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 119 on H.B. No. 401

The purpose of this measure is to authorize state and county agencies to enter into energy performance contracts for the purpose of undertaking or implementing energy conservation or alternate energy measures for agency vehicles or vehicle fleets.

Your Committee on Conference has amended this measure by:

- Deleting language which would authorize state and county agencies to enter into energy performance contracts to undertake or implement energy conservation or alternate energy measures for agency vehicles or vehicle fleets;
- (2) Requiring all agencies to identify and evaluate vehicle fleet energy efficiency programs that the agency may implement using vehicle fleet performance contracts;
- (3) Authorizing agencies to contract for the provision of vehicles or associated capital investments in charging or fueling infrastructure and applying vehicle fleet operational and fuel cost savings toward the cost, and subjecting the contracts to certain provisions;
- (4) Clarifying the definition of "energy performance contract" to include the provision of electric vehicle charging infrastructure for a portion of avoided vehicle maintenance or fuel costs pursuant to a vehicle fleet energy efficiency program;
- (5) Amending the definition of "facility";
- (6) Inserting a preamble section;
- (7) Changing its effective date to upon its approval; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 401, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 401, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Thielen, Kanuha, Inouye and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

Representatives Lowen, Nishimoto, Wildberger and Thielen.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 120 on H.B. No. 560

The purpose of this measure is to:

- (1) Create a University of Hawaii program to provide training to county officers and employees responsible for permitting, inspecting, licensing, and approving energy systems and related technology;
- (2) Establish an advisory committee to assist in the development of the training courses; and
- (3) Appropriate funds to the University of Hawaii for energy systems and technology training.

Your Committee on Conference has amended this measure by:

- (1) Deleting language which would have appropriated funds out of the general fund for energy systems and technology training;
- (2) Appropriating \$130,000 for fiscal year 2019-2020 out of the Energy Security Special Fund to be deposited into the Community Colleges Special Fund for energy systems and technology training; and
- (3) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 560, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 560, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Lowen, Woodson, Wildberger and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 121 on S.B. No. 1148

The purpose of this measure is to appropriate funds into and out of the agricultural loan revolving fund for the Department of Agriculture to provide loans to local ranchers and farmers who have experienced losses caused by disasters.

Your Committee on Conference finds that appropriating funds to support local farmers and ranchers helps these local food producers sustain their businesses in the wake of economic challenges and furthers the State's goal to double local food production.

Your Committee on Conference has amended this measure by:

- Deleting language that would have limited the Department of Agriculture to distributing agricultural loans only to farmers and ranchers that experienced losses caused by disasters;
- (2) Inserting an appropriation amount of \$2,500,000 into and out of the agricultural loan revolving fund to provide loans to support local ranchers and farmers; and
- (3) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1148, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1148, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Inouye and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Creagan, Luke, Cabanilla Arakawa, DeCoite, Todd and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (Cabanilla Arakawa).

# Conf. Com. Rep. 122 on S.B. No. 1303

The purpose and intent of this measure is to:

(1) Allow the Department of Education to lease public school lands for a term of not more than an unspecified number of years per lease;

- (2) Specify that title to the portions of Department of Education lands on which public libraries are located are held by the public library system;
- (3) Amend Act 206, Session Laws of Hawaii 2017, to allow the City and County of Honolulu to transfer lands under existing Department of Education facilities directly to the Department of Education, rather than through the Department of Land and Natural Resources;
- (4) Exclude lands set aside by the Governor to the Hawaii Public Housing Authority and lands to which Hawaii Public Housing Authority holds title from the definition of public lands in section 171-2, Hawaii Revised Statutes; and
- (5) Require prior legislative approval for the sale of lands to which the Hawaii Public Housing Authority holds title.

Your Committee on Conference finds that Act 155, Session Laws of Hawaii 2013, established a pilot program to generate revenue from uses of public school lands for public purposes to build and retrofit twenty-first century schools and create more school-centered communities. However, the existing fifty-five year lease term creates issues in financing redevelopment projects. Therefore, extending the lease terms for redevelopment would allow prospective developers flexibility in securing financing.

Your Committee on Conference further finds that Act 206, Session Laws of Hawaii 2017, attempted to consolidate ownership of the lands under existing public schools from the City and County of Honolulu to the Department of Land and Natural Resources. However, the lands should be transferred directly from the City and County of Honolulu to the Department of Education to allow the Department of Education more flexibility to redevelop or reposition its assets.

Your Committee on Conference has amended this measure by:

- Deleting language that specified that title to the portions of Department of Education lands on which public libraries are located shall be held by the public library system;
- (2) Inserting a time frame of ninety-nine years per lease term for which the Department of Education is allowed to lease public school lands:
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1303, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1303, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kahele, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Yamane, Todd, Tarnas and Okimoto.

Managers on the part of the House.

Ayes, 5; Ayes with Reservations (Okimoto). Noes, none. Excused, none.

# Conf. Com. Rep. 123 on S.B. No. 592

The purpose and intent of this measure is to adjust the State Librarian's salary cap.

Your Committee on Conference finds that existing law authorizes the Board of Education to set the salary of the State Librarian as long as the salary does not exceed a specific amount. The State Librarian's current salary cap is \$120,000 per year, which was last increased in 2001. In order to attract and retain highly qualified candidates for the position, the salary of the State Librarian should be increased to a more competitive amount.

Your Committee on Conference has amended this measure by:

- (1) Inserting a salary cap amount of \$175,000 per year; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 592, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 592, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Eli, Woodson, Cullen, Hashem and Matsumoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 124 on H.B. No. 510

The purpose of this measure is to appropriate funds for the operating and capital improvement costs of the Judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee on Conference has amended this measure by inserting appropriate amounts for fiscal biennium 2019-2021 operating budget of the Judiciary and changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 510, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 510, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Lee, Luke, Cullen, Yamashita and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 125 on H.B. No. 903

The purpose of this measure is to address the financial disparity imposed on low-income individuals who cannot afford to pay courtordered fines and fees by requiring the Judiciary to establish a financial hardship task force.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 903, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 903, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Lee, Gates, San Buenaventura and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 126 on H.B. No. 808

The purpose of this measure is to protect the marine ecosystem for ecological, recreational, and cultural purposes by:

- (1) Establishing a misdemeanor offense, fines, and administrative penalties for knowingly capturing, taking, possessing, abusing, entangling, or killing any shark in state marine waters; and
- (2) Expanding the existing misdemeanor offense for knowingly capturing or killing a manta ray in state marine waters to apply to all rays in state marine waters and to also include knowingly taking, possessing, abusing, or entangling any ray.

Your Committee on Conference has amended this measure by:

- (1) Deleting its purpose section;
- Deleting the new misdemeanor offense for knowingly capturing, taking, possessing, abusing, entangling, or killing any shark in state marine waters;
- (3) Directing, rather than authorizing, the Department of Land and Natural Resources to adopt rules pursuant to chapter 91, Hawaii Revised Statues, to define the take of ray and to determine when a take exceeds the potential biological removal level;
- (4) Changing its effective date to upon approval; and
- (5) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 808, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 808, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kahele, Rhoads, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Rhoads).

Representatives Yamane, Lee, Nishimoto, Tarnas and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Lee, Thielen).

#### Conf. Com. Rep. 127 on H.B. No. 1068

The purpose of this measure is to facilitate a long-range development process for the Heeia National Estuarine Research Reserve System that is inclusive of community stakeholders and ensures that the Heeia Estuarine Research Reserve System successfully fulfills its role as part of the National Estuarine Research Reserve System by:

- Requiring the Hawaii Community Development Authority and the managing entity of Heeia State Park to consult with key community stakeholders in development of a community-based long-range plan and an education center for Heeia Estuarine Research Reserve System; and
- (2) Appropriating funds for the community-based long-range plan and education center.

Your Committee on Conference has amended this measure by:

- (1) Deleting language regarding the establishment of an education center and appropriating funds for that purpose;
- (2) Inserting an appropriation amount of \$150,000 in Fiscal Year 2019-2020 for the long-range plan; and
- (3) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1068, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1068, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kahele, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamane, Todd, Kitagawa and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Thielen).

#### Conf. Com. Rep. 128 on H.B. No. 172

The purpose of this measure is to appropriate funds for the Fiscal Biennium 2019-2021 operating budget of the Office of Hawaiian Affairs.

Your Committee finds that the Office of Hawaiian Affairs is a semi-autonomous state agency established by the Hawaii State Constitution whose mandate is to better the conditions of Native Hawaiians. Your Committee further finds that the appropriations made by this measure will help the Office of Hawaiian Affairs to fulfill this mandate.

Your Committee on Conference has amended this measure by:

- (1) Inserting appropriate amounts for the Office of Hawaiian Affairs Fiscal Biennium 2019-2021 operating budget; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 172, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 172, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Shimabukuro, Kahele, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Yamane, Luke, Holt and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Thielen).

### Conf. Com. Rep. 129 on H.B. No. 116

The purpose of this measure is to appropriate additional funds for the operating costs of the Executive Branch for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee on Conference has amended this measure by appropriating \$10,757,811 in all funds, inclusive of \$9,118,826 in general funds, for fiscal year 2019-2020 and \$9,045,621 in all funds, inclusive of \$7,518,115 in general funds, for fiscal year 2020-2021 for the operating costs of the Executive Branch.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 116, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 116, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran, English, Harimoto, Inouye, Kahele, Kanuha, Kidani, Moriwaki, Riviere, Shimabukuro, Taniguchi and Fevella.

Managers on the part of the Senate.

Ayes, 13. Noes, none. Excused, none.

Representatives Luke, Cullen, Eli, Gates, Hashimoto, Holt, Kitagawa, B. Kobayashi, Matayoshi, Nakamura, Nishimoto, Todd, Wildberger, Yamashita and McDermott.

Managers on the part of the House.

Ayes, 15. Noes, none. Excused, none.

# Conf. Com. Rep. 130 on H.B. No. 809

The purpose of this measure is to assist Hawaii's private organizations to provide essential and impactful services to residents and communities by appropriating funds for operating and capital improvement grants.

Your Committee on Conference recognizes the great need in the State for services provided by non-governmental groups and nonprofit agencies and has thus provided general obligation bond funds in fiscal biennium 2019-2021 to help aid these organizations in better serving the community.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 809, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 809, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Nishimoto, Cullen, Luke and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 131 on H.B. No. 120

The purpose of this measure is to authorize the issuance of general obligation bonds and to make the constitutionally-required findings that the bond issuance will not cause the state debt limit to be exceeded.

Your Committee on Conference finds that in accordance with Article VII, section 13, of the State Constitution, the total amount of principal and interest, estimated for the general obligation bonds authorized under this measure and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

Your Committee on Conference has amended this measure by:

- (1) Inserting the appropriate dollar amounts throughout the measure as provided by the Department of Budget and Finance;
- (2) Updating the dates and measure numbers cited in the measure;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 120, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 120, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Luke, Cullen, Yamashita and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 132 on S.B. No. 216

The purpose of this measure is to authorize the chief election officer or county clerk to conduct a recount of all votes in any election contest or ballot measure if the margin of victory is equal to or less than one hundred votes or one-half of one percent of the total number of votes cast for the contest, whichever is greater, without requiring a complaint to the court.

Your Committee on Conference finds that the results of recent elections highlight the need for an ability to authorize a recount when the results of an election are very close. Your Committee on Conference further finds that the ability for the chief election officer to authorize a recount would promote confidence in the electoral system and potentially save time and resources of the court system.

Your Committee on Conference has amended this measure by changing the margin of victory triggering a mandatory recount from one hundred votes or one-half of one percent, whichever is greater, to one hundred votes or one-quarter of one percent, whichever is greater.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 216, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 216, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Lee, Cullen and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 133 on S.B. No. 1314

The purpose of this measure is to amend the provisions of the high technology research income tax credit and extend its operation.

Specifically, this measure:

- Amends the tax credit for research activities so that references to the base amount in section 41 of the Internal Revenue Code shall not apply, and credit for all qualified research expenses may be taken without regard to the amount of expenses for previous years; and
- (2) Extends the tax credit for research activities through 2024.

Your Committee on Conference finds that this measure is intended to support the growth of Hawaii's technology industry.

Your Committee on Conference has amended this measure by:

- Transferring certification duties from the Department of Taxation to the Department of Business, Economic Development, and Tourism;
- (2) Establishing an annual aggregate cap amount of \$5,000,000 on the tax credit for research activities;
- (3) Expanding the Department of Business, Economic Development, and Tourism's reporting requirements to include identifying taxpayers who apply for the tax credit for research activities;
- (4) Repeals the tax credit for research activities on December 31, 2024;
- (5) Changing the effective date from July 1, 2030, to upon its approval; and
- (6) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1314, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1314, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives McKelvey, Kitagawa, Cullen and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 134 on S.B. No. 301

The purpose of this measure is to disallow the tax deduction for dividends paid by real estate investment trusts for state income tax purposes.

In addition, this measure requires ten percent of the revenue generated from the tax on real estate investment trusts to be used by the Department of Business, Economic Development, and Tourism to fund economic development in the State.

Your Committee on Conference finds that this measure subjects dividends paid by real estate investment trusts to the same tax treatment as dividends paid by other corporations.

Your Committee on Conference has amended this measure by:

- (1) Deleting the requirement that ten percent of the revenue generated from the tax on real estate investment trusts be used by the Department of Business, Economic Development, and Tourism to fund economic development in the State;
- (2) Changing the effective date from December 31, 2112, to upon its approval; and
- (3) Providing that the measure shall be repealed on December 31, 2023.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 301, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 301, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives McKelvey, Takumi, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 135 on S.B. No. 390

The purpose of this measure is to require the Department of Agriculture to create a dollar-for-dollar matching program for beneficiaries of the federal Supplemental Nutrition Assistance Program (SNAP) to purchase Hawaii-grown produce.

Your Committee on Conference finds that a double up food program would expand access to healthy foods for low-income residents who are eligible for SNAP benefits and would also provide a financial benefit to local growers by requiring the Department of Agriculture to develop a dollar-for-dollar matching program for SNAP beneficiaries who use their benefits to purchase Hawaii-grown produce. This measure provides a mechanism by which low-income residents can have greater access to locally grown fresh foods and at the same time support local farmers.

Your Committee on Conference has amended this measure by:

- (1) Clarifying the name of the program as the Hawaii healthy food incentive program and making associated conforming amendments:
- (2) Changing the dollar-for-dollar match to up to \$10 per visit;
- (3) Inserting an appropriation amount of \$50,000 for the Hawaii healthy food incentive program; and
- (4) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 390, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 390, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Ruderman, Gabbard, Moriwaki, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives DeCoite, Nakamura, Gates, Perruso and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 136 on H.B. No. 1307

The purpose of this measure is to require the Legislative Reference Bureau (LRB) to submit a report to the Legislature regarding the existing administrative hearings process in the State and the potential for a centralized office of administrative hearings. The report must include:

- (1) Statistical, non-confidential information from 2018 from all state departments and agencies that conduct or delegate contested case hearings, which must be provided to LRB by August 1, 2019; and
- (2) Research on centralized administrative hearings offices in other jurisdictions.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1307, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1307, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Thielen, Rhoads, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Lee, Matayoshi and Thielen.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 137 on H.B. No. 1433

The purpose of this measure is to appropriate funds for two full-time equivalent positions, operating costs, and equipment to support the Hawaii Criminal Justice Data Center in administering the address confidentiality program.

Your Committee on Conference has amended this measure by:

- (1) Amending its preamble;
- (2) Changing the governmental entity responsible for the administration of the address confidentiality program from the Department of the Attorney General to the Office of the Lieutenant Governor;
- Deleting the appropriation for two full-time equivalent positions, operating costs, and equipment to support the Hawaii Criminal Justice Data Center in administering the address confidentiality program;
- (4) Changing its effective date to July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1433, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1433, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Riviere and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Lee, Gates and Thielen. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 138 on S.B. No. 388

The purpose and intent of this measure is to:

- (1) Evaluate and assess certain vulnerable children and children exhibiting emergent or persistent behavioral issues;
- (2) Assess suspended students at the request of the student's parent or guardian to identify factors contributing to the student's suspension and provide services to the student for any social disorder, emotional disorder, or learning difference; and
- (3) Establish a task force to create a system for evaluating and assessing all children and those who are exhibiting emergent or persistent behaviors, academic challenges, or chronic absenteeism and are in need of appropriate supports and interventions accessible within the continuum of a multi-tiered system of supports.

Your Committee on Conference finds that vulnerable children often experience a range of traumatic and toxic stress, resulting in harm to the child's brain development and physical, social, mental, emotional, and behavioral health and well-being. Therefore, early intervention and evaluation of at-risk youth can diagnose a multitude of social and emotional disorders, which can then be used to help determine appropriate mental health and educational services.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have required the Department of Education to:
  - (A) Evaluate and assess certain vulnerable children and children exhibiting emergent or persistent behavioral issues; and
  - (B) Assess suspended students at the request of the student's parent or guardian to identify factors contributing to the student's suspension and provide services to the student for any social disorder, emotional disorder, or learning difference;
- (2) Amending the membership and composition of the task force;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 388, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 388, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Lee, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 3; Ayes with Reservations (Okimoto). Noes, none. Excused, 1 (Lee).

# Conf. Com. Rep. 139 on S.B. No. 540

The purpose of this measure is to authorize the Board of Pharmacy to approve pilot and demonstration research projects for innovative applications in the practice of pharmacy under certain conditions.

Your Committee on Conference finds that enabling the Board of Pharmacy to conduct pilot and demonstration research projects can accelerate innovation and create opportunities for pharmacists to enhance patient care and safety, reduce barriers, and increase access to pharmaceutical services.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 540, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 540, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Baker, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, Takumi, B. Kobayashi, Har and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, 1 (Har).

# Conf. Com. Rep. 140 on S.B. No. 1237

The purpose of this measure is to require health insurance providers that provide Medicare Advantage (Medicare Part C) health benefit plans to submit administrative data, including health care services claims and payment data, to the State Health Planning and Development Agency for inclusion in the all-payer claims database.

Your Committee on Conference finds that the all-payer claims database is a tool to address health care cost drivers in the State. However, under existing law, the all-payer claims database does not have access to Medicare Advantage plan data in Hawaii, despite Medicare Advantage participants comprising approximately forty-five percent of the Medicare population in the State. Your Committee on Conference further finds that this measure updates existing law to close gaps in the all-payer claims database caused by missing Medicare Advantage data so the database can be used more effectively to plan for Hawaii's aging population and the accompanying increase in medical expenditures by the state and federal governments.

Your Committee on Conference has amended this measure by:

- (1) Requiring health insurance providers to begin submitting administrative data to the State Health Planning and Development Agency on July 1, 2019;
- (2) Specifying the format for Medicare Advantage administrative data submissions to the State Health Planning and Development Agency:
- (3) Changing the effective date to July 1, 2019; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1237, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1237, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Baker, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, none.

Representatives Mizuno, San Buenaventura, B. Kobayashi and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 141 on S.B. No. 1213

The purpose of this measure is to require a party initiating a bid challenge to pay the Department of Commerce and Consumer Affairs a non-refundable filing fee for contracts with an estimated value of \$500,000 or more to partially cover the costs of conducting the bid challenge proceeding.

Your Committee on Conference finds that the Office of Administrative Hearings in the Department of Commerce and Consumer Affairs (Department) conducts bid challenge hearings, which are expensive and labor intensive. However, the Department is entirely self-funded and receives no appropriation of funds to defray the cost of these proceedings. Therefore, the costs to conduct bid challenge proceedings are indirectly paid for by the license registration fees assessed by the Department from registrants who have no involvement in the procurement process. This measure requires any party initiating a bid challenge for contracts of at least \$500,000 to pay the Department a non-refundable fee, which will be used exclusively to help defray the costs of the administrative review of bid challenges.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1213, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1213, S.D. 1, H.D. 1, C.D. 1.

Signed by the Senate President and Chairs on behalf of the Committee.

Senators Baker, English, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Johanson, Eli, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 142 on S.B. No. 1246

The purpose of this measure is to promote the adoption of telehealth across the State by:

- (1) Establishing a policy of the State to promote telehealth;
- (2) Establishing the State Strategic Telehealth Advisory Council to advise the Governor on a comprehensive plan to establish telehealth as a means of health care access;
- (3) Establishing and appropriating an unspecified amount of funds for the State Telehealth Coordinator position to support the Council: and
- (4) Requiring the Department of Health to establish and convene a Telehealth Administrative Simplification Working Group to research and make recommendations to reduce administrative barriers to telehealth.

Your Committee on Conference finds that there is a shortage of health care professionals in the State and this shortage is most severe in rural areas. Telehealth is a proven way to facilitate timely access to quality health care, improve health outcomes, reduce the incidence of avoidable urgent and emergency care, and ensure equitable distribution of health care providers to patients who would not otherwise have access to medical services. Your Committee on Conference further finds that this measure establishes permanent resources to increase the visibility of telehealth, enable the Department of Health to continue working with community stakeholders, and move the State closer to achieving its telehealth goals.

Your Committee on Conference has amended this measure by:

- (1) Removing language that would have exempted the working group from the requirements of chapter 92, Hawaii Revised Statutes;
- (2) Permitting less than a quorum of the working group's members to discuss official business outside of official working group meetings as long as no commitment to vote is made or sought;
- (3) Dissolving the State Strategic Telehealth Advisory Council on July 1, 2022;
- (4) Changing the name of the State Telehealth Coordinator to the State Telehealth and Health Care Access Coordinator and making associated conforming amendments;
- (5) Inserting an appropriation amount of \$110,000 for each year of the fiscal biennium;
- (6) Authorizing the establishment of one full-time equivalent (1.0 FTE) permanent State Telehealth and Health Care Access Coordinator position;
- (7) Changing the effective date to July 1, 2019, and removing the sunset provision; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1246, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1246, S.D. 2, H.D. 2, C.D. 1.

Signed by the Senate President, Speaker of the House of Representatives, and Chairs on behalf of the Committee.

Senators Baker, English, Keohokalole, Ruderman and Fevella.

Managers on the part of the Senate. Ayes, 5. Noes, none. Excused, none.

Representatives Mizuno, B. Kobayashi and Ward.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 143 on S.B. No. 1404

The purpose of this measure is to appropriate funds to the Department of Health in coordination with the John A. Burns School of Medicine at the University of Hawaii at Manoa for the Hawaii rural health care provider loan repayment program to provide loan repayment for health care professionals who agree to work in underserved areas; provided that the funds are matched on a dollar-for-dollar basis by a private or another public source.

Your Committee on Conference finds that Hawaii is experiencing a shortage of health care professionals, which is most acute for those on neighbor islands and rural areas. High student loan payments together with a higher cost of living and other expenses in the State result in few health care professionals choosing to practice in underserved and rural communities in Hawaii. This measure provides funding for the loan repayment program administered through the John A. Burns School of Medicine, which offers loan repayment benefits for certain health care professionals in exchange for the commitment to work in medically underserved areas, to help reduce the health care provider shortages in those areas.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the name of the repayment program is the health care provider loan repayment program;
- (2) Inserting an appropriation amount of \$150,000 for fiscal year 2019-2020;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1404, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1404, S.D. 2, H.D. 1, C.D. 1.

Signed by the Senate President and Chairs on behalf of the Committee.

Senators Baker, Kim, English and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Woodson, Gates, D. Kobayashi, Tarnas and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 144 on H.B. No. 543

The purpose of this measure is to ensure the continued availability of affordable rental housing, including the Front Street Apartments project and Leialii affordable housing project, on Maui by:

- (1) Requiring the Hawaii Housing Finance and Development Corporation (HHFDC) to initiate negotiations or exercise its power of eminent domain to acquire the leased fee or fee simple interest in the Front Street Apartments on Maui; and
- (2) Extending the deadline to complete the Leialii affordable housing project on Maui.

Your Committee on Conference has amended this measure by:

- Removing the requirement for HHFDC to initiate negotiations or exercise its power of eminent domain to acquire the fee
  interest in the Front Street Apartments;
- (2) Amending Act 150, Session Laws of Hawaii 2018, to not require the initiation of condemnation proceedings if HHFDC renegotiates the Front Street Apartments ground lease or a new ground lease for Front Street Apartments is issued on terms acceptable to HHFDC;
- (3) Deleting the authorization for HHFDC to partner with private for-profit or nonprofit developers for the acquisition of the Front Street Apartments project;
- (4) Deleting an unspecified general fund appropriation;
- (5) Appropriating \$37,000,000, with a budget proviso, for fiscal year 2019-2020 to expedite and complete the construction of Leialii affordable housing project, and deleting the appropriation made in Act 150 for the same purpose;
- (6) Changing its effective date to July 1, 2019; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 543, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 543, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Rhoads, English and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Brower, Lee, Cullen, Yamashita and McDermott.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 145 on H.B. No. 1312

The purpose of this measure is to:

(1) Authorize the issuance of general obligation bonds to be appropriated into and out of the Rental Housing Revolving Fund; and

(2) Allocate a portion of the funds appropriated to create permanent supportive housing units for people who are chronically homeless

Your Committee on Conference has amended this measure by:

- Authorizing the issuance of \$50,000,000 in bonds for each year of the 2019-2021 fiscal biennium, with proceeds to be deposited into the Rental Housing Revolving Fund;
- (2) Appropriating \$50,000,000 from the Rental Housing Revolving Fund for each year of the 2019-2021 fiscal biennium for the purposes for which the revolving fund is established;
- Deleting the requirement that a portion of the appropriation be expended to establish permanent supportive housing for chronically homeless individuals;
- (4) Changing its effective date to July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1312, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1312, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Riviere, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Brower, Cullen, Hashem, Matayoshi and McDermott.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 146 on H.B. No. 820

The purpose of this measure is to:

- (1) Prohibit the imposition of inclusionary zoning requirements on certain housing;
- (2) Establish the ALOHA Homes Program to facilitate the creation of low-cost leasehold homes for sale to Hawaii residents on state-owned land near public transit stations;
- (3) Authorize the Hawaii Housing Finance and Development Corporation (HHFDC) to sell the leasehold interest in residential condominium units located on state lands for lease terms of ninety-nine years;
- (4) Exempt from the general excise tax the sale of a leasehold interest in an Aloha home pursuant to the ALOHA Homes Program;
- (5) Amend the definition of public lands to exempt certain lands;
- (6) Require prior approval from the Legislature for the sale or gift of any lands to which the Hawaii Public Housing Authority, in its corporate capacity, holds title;
- (7) Exempt any form of development by HHFDC pursuant to Chapter 201H, Hawaii Revised Statutes, from the requirement to fulfill the land component impact fee or fee in lieu requirement, and construction cost component impact fee requirement; and
- (8) Establish the ALOHA Homes Revolving Fund and make an unspecified appropriation from general funds into and out of the Aloha Homes Revolving Fund.

Your Committee on Conference has amended this measure by deleting its contents and replacing it with language to:

- (1) Require the HHFDC to study and formulate a plan to implement an "affordable, locally-owned homes for all" housing program that shall be known as the ALOHA Homes Program;
- (2) Require the HHFDC to submit interim and final reports to the Legislature;
- (3) Make an appropriation of \$150,000 to study and formulate a plan to implement an ALOHA Homes Program; and
- (4) Change its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 820, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 820, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Chang, Riviere, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Brower, Cullen, Matayoshi and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 147 on H.B. No. 1133

The purpose of this measure is to protect fragile marine ecosystems and the marine life within them through managing access to marine life conservation districts that are inaccessible by land by:

- (1) Limiting the total number of commercial use permits that may be issued for each such conservation district to forty;
- (2) Capping the number of commercial use permittees that may access each conservation district at any one time to no more than fifty percent of the current number of permittees for that district; and
- (3) Requiring the Department of Land and Natural Resources to immediately begin the rule-making process to address overcrowding and fish disruption at Molokini Shoal Marine Life Conservation District and to report its progress to the Legislature.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the number of commercial permittees that may access a marine life conservation district that is inaccessible by land at any one time shall be fifty percent of all current permittees for that district; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1133, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1133, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kahele, Baker, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Yamane, Lee, Todd, Wildberger and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Thielen).

#### Conf. Com. Rep. 148 on H.B. No. 1585

The purpose of this measure is to:

- Create a rebate program (Rebate Program), to be administered by the Public Utilities Commission, that offers rebates for the
  installation of new electric vehicle charging systems or the upgrade of existing electric vehicle charging systems;
- (2) Create the Electric Vehicle Charging System Rebate Program Special Fund and appropriate moneys out of the Special Fund to make rebate program payments and to pay other administrative costs; and
- (3) Amend the uses for which funds from the energy security special fund may be used.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that an applicant who installs a new electric vehicle charging system where none previously existed to either:
  - (A) An alternating current Level 2 station with two or more ports that provide electricity to two or more electric vehicles; or
  - (B) A direct current fast charging system;

is eligible for the rebate program;

- (2) Specifying amounts for the distribution of rebates as follows:
  - (A) \$4,500 for the installation of an alternating current Level 2 station with two or more ports;
  - (B) \$35,000 for the installation of a direct current fast charging system;
  - (C) \$3,000 for the upgrade to an alternating current Level 2 station with two or more ports; and
  - (D) \$28,000 for the upgrade to a direct current fast charging system;
- (3) Reducing the total amount of rebates that the Public Utilities Commission may issue in each fiscal year from no more than \$1,000,000 to \$500,000;
- (4) Deleting language establishing the Electric Vehicle Charging System Rebate Program Special Fund;
- (5) Clarifying that the term, "alternating current Level 2 charging station", is commonly referred to as "Level 2 charging station", and amending its definition;
- (6) Amending the definitions for "direct current fast charging system" and "electric vehicle charging system";
- (7) Clarifying that all monies transferred to the third-party administrator contracted by the Public Utilities Commission for the Rebate Program shall have been appropriated by the Legislature or from funds provided by the federal government or private funding sources, and that the administrator shall not expend more than 10 percent of the amounts appropriated for the Rebate Program or other reasonable percentage determined by the Public Utilities Commission;
- (8) Deleting language which amends the uses for which funds from the Energy Security Special Fund may be used;

- (9) Removing the appropriation of general funds into the Electric Vehicle Charging System Rebate Program Special Fund for the Rebate Program;
- (10) Appropriating out of the Energy Security Special Fund \$150,000 for fiscal year 2019-2020 and \$250,000 for fiscal year 2020-2021 to be deposited into the Public Utilities Commission Special Fund;
- (11) Appropriating out of the Public Utilities Commission Special Fund \$150,000 for fiscal year 2019-2020 and \$250,000 for fiscal year 2020-2021 for the Rebate Program;
- (12) Changing its effective date to July 1, 2019; and
- (13) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1585, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1585, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Inouye, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Aquino, Takumi, Luke and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

### Conf. Com. Rep. 149 on H.B. No. 1552

The purpose of this measure, as received by your Committee on Conference, is to:

- (1) Support best practices for an effective correctional system; and
- (2) Implement certain recommendations of the Criminal Pretrial Task Force (Task Force) convened pursuant to House Concurrent Resolution No. 134, House Draft 1, Regular Session of 2017.

Specifically, this measure:

- (1) Establishes and appropriates funds for the Hawaii Correctional System Oversight Commission within the Office of the Governor;
- (2) Abolishes the Reentry Commission and Corrections Population Management Commission and transfers all rights, powers, functions, and duties of the Reentry Commission and Corrections Population Management Commission to the Hawaii Correctional System Oversight Commission;
- (3) Requires intake service centers to complete pretrial risk assessments and bail reports and provide them to the court within five working days of an offender's admission to a community correctional center and to include information on the offender's financial circumstances, executed pretrial risk assessment, and detailed information about the risk assessment in the bail report;
- (4) Establishes that a defendant has a right to a hearing concerning pre-trial release or detention at the time of the defendant's arraignment and a right to counsel at the time of the hearing;
- (5) Requires that bail shall be set at a reasonable amount and under the least restrictive conditions possible based upon all available information and that monetary bail shall be payable on a twenty-four hours a day, seven days a week basis;
- (6) Requires community correctional centers to conduct periodic reviews of pretrial detainees to assess whether the detainees should remain in custody;
- (7) Establishes and appropriates funds for a Criminal Justice Research Institute under the Office of the Chief Justice of the Hawaii Supreme Court to monitor the success of changes implemented as a result of the Task Force recommendations, conduct ongoing research on national best practices in criminal justice policy and procedure, develop outcome measures and recommend further reforms, and create a centralized statewide criminal pretrial justice data reporting and collection system;
- (8) Authorizes any court, upon a defendant's pretrial release, to order the defendant to submit to the use of electronic monitoring and surveillance or to require confinement to the defendant's residence;
- (9) Requires the Judiciary, in consultation with the Department of Public Safety, to develop and adopt a policy for determining whether a defendant's risk of non-appearance or recidivism may be mitigated by home detention or electronic monitoring;
- (10) Appropriates funds for intake service centers to provide support services to pretrial defendants released from detention on a supervised basis;
- (11) Requires intake service centers to consider victims' concerns when making pretrial release recommendations;
- (12) Requires the Department of Public Safety to submit certain reports to the Legislature; and
- (13) Appropriates funds for intake service centers in relation to their pretrial duties.

Your Committee on Conference has amended this measure by:

- (1) Placing the Hawaii Correctional System Oversight Commission within the Department of the Attorney General rather than the Office of the Governor and making conforming amendments;
- (2) Deleting the public service exemption for prospective employees of the Hawaii Correctional System Oversight Commission;
- (3) Appropriating \$158,946 for fiscal year 2019-2020 and \$330,000 for fiscal year 2020-2021 for the operations of the Hawaii Correctional System Oversight Commission;
- (4) Requiring intake service centers to complete pretrial risk assessments and bail reports and provide them to the court within three working days of an offender's admission to a community correctional center;
- (5) Clarifying that a defendant has a right to a prompt hearing concerning release or detention that occurs at the time of the defendant's arraignment, or as soon as practicable;
- (6) Establishing a statewide program that permits the posting of monetary bail twenty-four hours a day, seven days a week for defendants for whom a monetary amount of bail has been set by the police, other law enforcement agency, or the court. For defendants in custody of the Department of Public Safety, requires the Judiciary to contract with a single vendor to post bail seven days a week;
- (7) Clarifying that community correctional centers shall transmit periodic reviews of pretrial detainees by correspondence or electronically to the appropriate court, prosecuting attorney, and defense counsel;
- (8) Clarifying the Criminal Justice Research Institute's duties and functions, clarifying the Institute's Board of Directors' leadership and membership, and specifying meeting and reporting requirements;
- (9) Appropriating \$181,388 for fiscal year 2019-2020 and \$314,376 for fiscal year 2020-2021 for the establishment and staffing of the Criminal Justice Research Institute and for any necessary facilities and equipment;
- (10) Removing appropriation language for intake service centers to provide support services to pretrial defendants released from detention on a supervised basis;
- (11) Appropriating \$305,138 for fiscal year 2019-2020 and \$502,476 for fiscal year 2020-2021 for intake service centers' activities in relation to their pretrial duties;
- (12) Changing its effective date to upon approval, provided that:
  - (A) The abolishment of the Reentry Commission and Corrections Population Management Commission shall be effective on January 1, 2020;
  - (B) The recommendations of the Task Force regarding pre-trial detention, bail, risk assessments, the Criminal Justice Research Institute, electronic monitoring and home detention, and victims' rights shall take effect on January 1, 2020; and
  - (C) The appropriations for the Hawaii Correctional System Oversight Commission, Criminal Justice Research Institute, and intake service centers shall take effect on July 1, 2019; and
- (13) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1552, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1552, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Thielen, Riviere, Rhoads and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, Lee, Gates, Kong and McDermott.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 150 on H.B. No. 456

The purpose of this measure is to:

- (1) Make an emergency appropriation to the Department of Public Safety for the immediate needs of Maui Community Correctional Center;
- (2) Authorize the Director of Finance to issue general obligation bonds for the long-term rehabilitation needs of Maui Community Correctional Center; and
- (3) Exempt from the procurement code all procurements associated with the funds appropriated for the immediate needs of Maui Community Correctional Center.

Your Committee on Conference has amended this measure by:

(1) Amending the emergency appropriation to the Department of Public Safety for the immediate needs of Maui Community Correctional Center from \$5,300,000 to \$5,102,000 for FY2019;

- Deleting provisions authorizing the Director of Finance to issue general obligation bonds for the long-term rehabilitation needs of Maui Community Correctional Center; and
- (3) Making an emergency appropriation of \$2,000,000 for FY2019 to the Department of Public Safety for six months of housing costs for two hundred forty-eight inmates at Saguaro Correctional Center in Arizona and for costs to return the inmates to Hawaii.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 456, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 456, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Nishihara, Rhoads, Dela Cruz, Harimoto and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Takayama, Lee, Gates and McDermott.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 151 on H.B. No. 546

The purpose of this measure is to:

- (1) Allow a class 18 small craft producer pub licensee to manufacture not more than 125,000 barrels of malt beverages on the licensee's premises during the license year;
- (2) Clarify that a class 14 brewpub licensee or class 18 small craft producer pub licensee may conduct certain activities at satellite locations other than the licensee's primary manufacturing premises under certain conditions;
- (3) Clarify the definition of "growler"; and
- (4) Allow direct shipment of all forms of liquor, rather than just wine, by certain licensees.

Your Committee on Conference has amended this measure by:

- (1) Allowing class 18 small craft producer pub licensees to manufacture not more than 70,000 barrels of malt beverages on the licensee's premises during the license year, rather than 125,000 barrels;
- (2) Deleting any provisions allowing direct shipment of liquor; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 546, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 546, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Chang and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives McKelvey, Takumi, Nishimoto and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 152 on H.B. No. 340

The purpose of this measure is to:

- (1) Appropriate funds to the Hawaii Technology Development Corporation (HTDC) for the Small Business Innovation Research Program and Manufacturing Assistance Program;
- (2) Remove the requirement that HTDC grants to businesses that were awarded a competitive contract from the Department of Defense be only for research in specific research fields; and
- (3) Appropriate funds to provide grants out of the Alternative Energy Research and Development Revolving Fund.

Your Committee on Conference has amended this measure by:

- Amending the appropriation for the Small Business Innovation Research Program to an amount of \$1,000,000 and only for fiscal year 2019-2020;
- (2) Amending the appropriation for the Manufacturing Assistance Program to an amount of \$500,000 for fiscal year 2019-2020;
- (3) Deleting language that removes the requirement that HTDC grants to businesses who were awarded a competitive contract from the Department of Defense be only for research in specific research fields;
- (4) Deleting the appropriation for the Alternative Energy Research and Development Fund to provide grants;

- (5) Making an appropriation of \$300,000 to HTDC for the Excelerator Program for fiscal year 2019-2020;
- (6) Changing its effective date to July 1, 2019; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 340, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 340, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Keohokalole, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives McKelvey, Kitagawa, Quinlan and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 1 (Quinlan).

#### Conf. Com. Rep. 153 on H.B. No. 452

The purpose of this measure is to promote the production of fruits and vegetables for local consumption by:

- (1) Authorizing the Public Utility Commission (PUC) to establish preferential electricity rates for agricultural activities that utilize protected agriculture to produce fruits or vegetables for distribution;
- Requiring that the protected agriculture include reasonable efforts to incorporate cost-effective renewable energy sources and energy efficiency measures;
- (3) Requiring the PUC, in its consideration of preferential rates, to ensure that any subsidization being paid by other customers is limited and reasonable and to periodically review and adjust the rate, if necessary; and
- (4) Establishing a process whereby a public utility can request preferential electricity rates from the PUC for qualifying protected agricultural activities.

Your Committee on Conference has amended this measure by changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 452, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 452, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Gabbard, Keith-Agaran, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Creagan, Lowen, Takumi, Cullen, Cabanilla Arakawa and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 1 (Cabanilla Arakawa).

#### Conf. Com. Rep. 154 on H.B. No. 1248

The purpose of this measure is to:

- (1) Establish elections by mail beginning with the 2022 primary election; and
- (2) Require the Chief Election Officer to publish online voters' pamphlets for each election and disseminate postcards to voters notifying them of the online pamphlet's website address.

Your Committee on Conference has amended this measure by:

- (1) Requiring all elections statewide to be conducted by mail beginning with the 2020 primary election;
- (2) Changing the time of closure for voting from 6:00 p.m. to 7:00 p.m.;
- (3) Deleting language authorizing the clerk to establish varying times and dates of operation for additional service centers as may be necessary;
- (4) Repealing Act 182, Session Laws of Hawaii 2018, which established a pilot program for the 2020 primary and general elections in any county with a population of less than 100,000 to be conducted by mail on June 30, 2019;
- (5) Changing the appropriation amount to the counties to cover the startup and transition costs for the voting by mail implementation from \$987,127 to \$830,731;
- (6) Deleting the requirement that the Chief Election Officer publish online voters' pamphlets for each election and disseminate postcards to voters notifying them of the online pamphlet's website address;
- (7) Changing its effective date to July 1, 2019; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1248, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1248, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, 1 (Fevella). Excused, none.

Representatives Lee, Luke, Cullen and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 155 on H.B. No. 1259

Your Committee on Conference finds that capital improvement projects are essential to our economy and play a pivotal role in building social infrastructure and helping to strengthen communities.

Your Committee on Conference finds that this measure provides an opportunity to invest in the State's infrastructure while remaining fiscally prudent.

Your Committee on Conference has amended this measure by inserting provisions that amend the Administration's capital improvement program budget to provide capital improvement funds to focus on critical and significant capital projects.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1259, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1259, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Yamashita, Cullen, Luke and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 156 on S.B. No. 1418

The purpose and intent of this measure is to appropriate funds to the University of Hawaii Pamantasan Council for four full-time equivalent positions to promote access, diversity, and workforce development, including programs and policies related to Philippine courses and Filipino students.

Your Committee on Conference finds that, despite their high representation in the general population and in schools within the Department of Education, students of Filipino ancestry are underrepresented at certain campuses within the University of Hawaii System, such as the University of Hawaii at Manoa. Your Committee on Conference further finds that the University of Hawaii Pamantasan Council was established, in part, to address issues of representation and ensure the success of Filipino students. This measure provides additional resources for the Pamantasan Council to ensure an increase in academic interest, student success, and graduation among Filipino students.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$195,000 for fiscal years 2019-2020 and 2020-2021;
- (2) Specifying that the appropriation shall be for two, rather than four, full-time equivalent (2.0 FTE) positions for the University of Hawaii system-wide Pamantasan Council; and
- (3) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1418, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1418, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Johanson, Cullen, Aquino and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Aquino).

# Conf. Com. Rep. 157 on S.B. No. 661

The purpose of this measure is to:

(1) Grant procurement priority for fuel cell electric vehicles for state and county vehicle purchases; and

(2) Include fuel cell electric vehicles in the definition of "electric vehicles" for purposes of parking fee exemption, high occupancy vehicle lane use, registration, and required parking spaces in places of public accommodation.

Your Committee on Conference finds that fuel cell electric vehicles are a viable alternative to gasoline-powered vehicles. Your Committee on Conference also finds that increasing the use of more fuel cell electric vehicles will reduce carbon emissions and improve the quality of life in Hawaii. However, under existing law, certain priority considerations and incentives are currently available to battery electric vehicles but not fuel cell electric vehicles. This measure expands the definition of "electric vehicle" to include fuel cell electric vehicles, which will afford more incentives for fuel cell electric vehicles, drastically improve transportation efficiency, and reduce carbon emissions in Hawaii.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 661, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 661, S.D. 1, H.D. 1, C.D. 1.

Signed by the Senate President and Chairs on behalf of the Committee.

Senators Thielen, Inouye, English and Fevella.

Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Lowen, Aquino, Johanson, Cullen and Thielen.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (Thielen).

### Conf. Com. Rep. 158 on S.B. No. 1192

The purpose of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (2) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee on Conference finds that on April 16, 2019, the Legislature received notification of a tentative agreement between the Hawaii Government Employees Association and the employer for collective bargaining units (2), (3), (4), (6), (8), (9), (13), and (14).

Accordingly, your Committee on Conference has amended this measure by:

- (1) Inserting specific amounts for collective bargaining cost items for Hawaii Employer-Union Health Benefits Trust Fund costs for public employees in collective bargaining units (2), (3), (4), (6), (8), (9), (13), and (14) and their excluded counterparts for fiscal biennium 2019-2021, pursuant to the agreement reached;
- (2) Deleting language that is not included in the agreement;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1192, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1192, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Kanuha, Ihara and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Luke and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 159 on S.B. No. 1195

The purpose of this measure is to appropriate funds for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (5) and their excluded counterparts.

Your Committee on Conference finds that on April 10, 2019, the Legislature received notification of a tentative agreement between the Hawaii State Teachers Association (HSTA) and the employer for collective bargaining unit (5). In addition, an agreement with HSTA was reached regarding Hawaii Employer-Union Health Benefits Trust Fund employer contributions.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Inserting specific amounts for collective bargaining cost items for salary adjustments, other costs adjustments, and Hawaii Employer-Union Health Benefits Trust Fund costs for public employees in collective bargaining unit (5) and their excluded counterparts for fiscal biennium 2019-2021, pursuant to the agreement reached;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1195, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1195, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Kanuha, Ihara and Fevella. Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Luke and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 160 on S.B. No. 1204

The purpose of this measure is to amend statutory provisions governing the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) for purposes of conformity with federal law and consistency with other state statutes. Specifically, this measure:

- (1) Clarifies eligibility of the children of employee-beneficiaries, retiree-beneficiaries, and deceased beneficiaries for participation in EUTF benefit plans;
- (2) Conforms eligibility criteria for dependents of an employee-beneficiary to federal requirements; and
- (3) Conforms references to spousal relationships for purposes of eligibility criteria to current state law relating to marriage equality and the availability of civil unions.

Your Committee on Conference finds that the EUTF offers health benefits to dependents of state and county employees and retirees. Your Committee on Conference further finds that a child born or legally adopted after an employee's or retiree's death who is not the natural or adopted child of the deceased employee or retiree should not be eligible to participate in fund benefit plans because the child is not the child of the state or county employee or retiree. Your Committee on Conference also finds that there is inconsistency in the date of termination of coverage between surviving children of employees who are killed in the performance of their duties and surviving children of employees who are eligible for retirement. This measure will provide greater clarity on these issues and will also bring other definitions within the EUTF law into conformity with state and federal law.

Your Committee on Conference has amended this measure by changing the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1204, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1204, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Eli and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 161 on S.B. No. 1201

The purpose of this measure is to appropriate funds for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (11) and their excluded counterparts.

Your Committee on Conference finds that on April 15, 2019, the Legislature received notification of an arbitration award for the Hawaii Fire Fighters Association (HFFA), collective bargaining unit (11). In addition, an agreement with HFFA was reached regarding Hawaii Employer-Union Health Benefits Trust Fund employer contributions.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Inserting specific amounts for collective bargaining cost items for salary adjustments, other costs adjustments, and Hawaii Employer-Union Health Benefits Trust Fund costs for public employees in collective bargaining unit (11) and their excluded counterparts for fiscal biennium 2019-2021, pursuant to the agreement reached;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1201, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1201, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Kanuha, Ihara and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Luke and Matsumoto. Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 162 on S.B. No. 972

The purpose of this measure is to establish an income tax credit to incentivize construction of a new drydock at Pearl Harbor for use by the United States Navy.

Your Committee on Conference finds that, due to a lack of sufficient drydock capacity at Pearl Harbor, many surface ships are scheduled to be relocated to San Diego for deep maintenance, with some of these ships at risk of not returning to Hawaii. Your Committee on Conference also finds that the impact of losing surface vessel repair work would be far-reaching and would directly cause the loss of jobs associated with military surface ships. Your Committee on Conference further finds that the construction of a purpose-built floating drydock capable of accommodating any of the submarines and surface ships currently docked or planned to be docked at Pearl Harbor would mitigate losses that may otherwise stem from a lack of drydocking capacity.

Your Committee on Conference has amended this measure by:

- (1) Setting the amount of the tax credit at thirty percent of the ship repair industry costs paid or incurred by the taxpayer;
- (2) Establishing a cap amount of \$6,000,000;
- (3) Allowing a taxpayer to apply credit amounts in excess of the cap amount to subsequent taxable years until December 31, 2026;
- (4) Providing that the tax credit may not be claimed prior to January 1, 2022, or after December 31, 2026;
- (5) Changing the effective date to January 1, 2020, and applying the measure to taxable years beginning after December 31, 2021; and
- (6) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 972, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 972, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Keith-Agaran, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives McKelvey, Kitagawa, Cullen and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 163 on S.B. No. 753

The purpose of this measure is to appropriate funds for operational expenses to revitalize the aquaculture development program.

Your Committee on Conference finds that Hawaii had an innovative and lucrative aquaculture development program during the 1980s and 1990s, but since then the aquaculture development program has been reduced in staff and function. Your Committee on Conference further finds that it is in the best interests of the State to revitalize the aquaculture development program and capitalize on the opportunity to grow aquaculture in Hawaii.

Your Committee on Conference has amended this measure by:

- (1) Inserting an appropriation amount of \$300,000 and appropriating that amount for fiscal year 2019-2020 only;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 753, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 753, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Kahele and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Creagan, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 164 on S.B. No. 763

The purpose of this measure is to require the Department of Business, Economic Development, and Tourism, in consultation with the Department of Agriculture, to conduct a study to assess the impact of companies selling products in the United States using place-based marketing without any material ties to the State and appropriate funds for the study.

Your Committee on Conference finds that a study is needed to assess the impacts of companies selling products in the United States using place-based marketing without any material ties to the State, so as to enable the State to protect itself from economic exploitation and protect consumers against dishonest or misleading marketing.

Your Committee on Conference has amended this measure by:

- (1) Specifying an appropriation amount of \$150,000;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 763, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 763, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Gabbard, Riviere and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives McKelvey, Creagan, Kitagawa and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 165 on S.B. No. 409

The purpose of this measure is to establish an annual vehicle registration surcharge fee for electric vehicles and alternative fuel vehicles to be deposited into the state highway fund.

Your Committee on Conference finds that electric vehicles and alternative fuel vehicles are environmentally friendly alternatives of transportation that utilize little to no fossil fuels. Your Committee on Conference further finds that more residents are becoming environmentally conscious and are switching to electric or alternative fuel vehicles. However, while many residents are switching to electric or alternative fuel vehicles, the State is experiencing a reduction in fees collected by fuel taxes as these vehicles do not require fuel. Fuel taxes are an important source of revenue for the State to fund the repair and maintenance of Hawaii's roads. Your Committee on Conference acknowledges the positive impact electric vehicles and alternative fuel vehicles have on the environment, but your Committee on Conference also acknowledges that these vehicles still inflict wear and tear on public roads. This measure reflects a balanced approach to promoting the public's use of electric vehicles and alternative fuel vehicles, while ensuring an adequate source of revenue for highway maintenance.

Your Committee on Conference has amended this measure by:

- (1) Inserting a vehicle registration surcharge fee of \$50 for electric vehicles and alternative fuel vehicles;
- (2) Specifying that the registration surcharge fee shall be assessed and collected beginning with the first registration renewal for every electric vehicle and alternative fuel vehicle; and
- (3) Making it effective on January 1, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 409, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 409, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, English, Harimoto, Shimabukuro and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Aquino, Cullen, Hashimoto, Hashem and Matsumoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 166 on S.B. No. 567

The purpose of this measure is to require:

- The administrator or attending physician of a psychiatric facility to assess whether an assisted community treatment plan is indicated, and if so, make certain arrangements;
- (2) The Department of the Attorney General to assist with the petition for assisted community treatment and related court proceedings and appropriate an unspecified amount of funds to be expended by the Department for that purpose; and
- (3) The Department of Health to convene a Mental Health Emergencies Task Force.

Your Committee on Conference finds that following emergency care or hospitalization, many mentally ill patients are released with no plan in place for follow-up care or treatment. Predictably, many of these individuals fall into a pattern of crisis and emergency intervention. Although the assisted community treatment program exists to provide care for such individuals in the community, many mentally ill individuals do not participate in community treatment plans. Furthermore, community agencies and families often lack the

resources to navigate the complex and congested court system associated with associated community treatment orders. Appropriating funds to provide legal assistance with petitions for assisted community treatment will encourage increased utilization of the assisted community treatment program.

Your Committee on Conference has amended this measure by:

- Deleting language that required the administrator or attending physician of a psychiatric facility to assess whether an assisted community treatment plan was indicated and make certain arrangements;
- Deleting language that required the Department of the Attorney General to assist with the petition for assisted community treatment and related court proceedings;
- (3) Inserting an appropriation amount of \$100,000 for the Department of Health to contract for legal assistance with petitions for assisted community treatment and related court proceedings, rather than appropriating funds for the Department of the Attorney General to assist with the petitions;
- (4) Changing its effective date to July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 567, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 567, S.D. 2, H.D. 2, C.D. 1.

Signed by the Senate President, Speaker of the House of Representatives, and Chairs on behalf of the Committee.

Senators Baker, Rhoads, English, Nishihara and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Representatives Mizuno, San Buenaventura, B. Kobayashi and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 167 on S.B. No. 1442

The purpose of this measure is to:

- (1) Require the Public Utilities Commission to consider the value of improving electric power systems data access and transparency in order to make informed decisions; and
- (2) Establish guiding principles for the Public Utilities Commission.

Your Committee on Conference finds that there is public interest in increasing transparency and improving access to all relevant energy-related data, whether services are provided by a regulated utility or a third-party services provider. By providing ratepayers with information concerning their energy consumption, they can make more informed decisions and manage their costs. This measure improves energy data access and transparency in order to empower ratepayers, improves decision-making related to reliability and operational efficiency of the electric system, maximizes the value of grid modernization technologies and investments, and promotes innovation and economic development opportunities.

Your Committee on Conference has amended this measure by:

- (1) Requiring the Public Utilities Commission to also consider how to increase non-utility data from third parties that provide generation or non-wire alternatives to individual customers or the grid; and
- (2) Changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1442, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1442, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Baker, Wakai and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Lowen, Takumi, Wildberger and Thielen.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

### Conf. Com. Rep. 168 on S.B. No. 1494

The purpose of this measure is to establish and fund a working group to evaluate current behavioral health care and related systems and identify steps to promote effective integration of services to improve response and coordination of care for individuals experiencing substance abuse, mental health conditions, and homelessness.

Your Committee on Conference finds that integrating the State's behavioral health care system will help individuals experiencing chronic substance abuse, mental health conditions, homelessness, and other chronic conditions access a comprehensive continuum of

care, which will promote community stabilization and increase health outcomes while decreasing overutilization of high-cost acute care services.

Your Committee on Conference has amended this measure by:

- (1) Removing language that would have exempted the working group from the notice requirements for open meetings;
- (2) Permitting less than a quorum of the working group's members to discuss official business outside of official working group meetings as long as no commitment to vote is made or sought;
- (3) Removing the appropriation;
- (4) Changing the effective date to July 1, 2019; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1494, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1494, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Baker, Ruderman, Riviere, Keohokalole, Thielen and Fevella.

Managers on the part of the Senate.

Ayes, 6. Noes, none. Excused, none.

Representatives Mizuno, San Buenaventura, B. Kobayashi and Ward.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 169 on S.B. No. 1124

The purpose of this measure is to clarify requirements for petitions, procedures, and hearings for involuntary hospitalization and assisted community treatment to promote mental health treatment. Specifically, this measure:

- (1) Clarifies that the definition of "dangerous to self" includes the inability to satisfy the need for treating mental illness;
- (2) Specifies that the Attorney General may decline to present a case for involuntary hospitalization if the Attorney General determines that the case lacks merit;
- (3) Requires the administrator or attending physician of a psychiatric facility to assess whether an assisted community treatment plan is indicated upon a patient's discharge from involuntary hospitalization;
- (4) Requires a licensed psychiatrist or advanced practice registered nurse to prepare the certificate and notify the Department of the Attorney General if an assisted community treatment plan is indicated upon a patient's discharge from involuntary hospitalization;
- (5) Requires the Department of the Attorney General to assist with the petition for assisted community treatment and related court proceeding;
- (6) Amends the content of the petition, criteria for certificate of examination by a licensed mental health provider, and criteria for initiation of proceedings for assisted community treatment; and
- (7) Appropriates funds for the establishment and appointment of two Deputy Attorneys General and support staff to assist with petitions for assisted community treatment.

Your Committee on Conference finds that although the State's assisted community treatment law was enacted in 2013 to help individuals with serious mental illness obtain the treatment and medication they need, fewer than ten orders for court-mandated treatment plans have been issued in the past five years. This measure is intended to encourage the use of assisted community treatment by requiring facilities to assess whether an assisted community treatment plan is indicated for a mental health patient at the time of the patient's discharge, allowing more flexibility on the part of the family courts, and clarifying provisions of mental health treatment law.

Your Committee on Conference has amended this measure by:

- (1) Requiring a licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization, rather than the administrator or attending physician of the psychiatric facility, to assess whether an assisted community treatment plan is indicated at the time of a patient's discharge from a psychiatric facility;
- (2) Expanding the scope of this measure to apply to individuals delivered for emergency examination or emergency hospitalization or voluntarily admitted to inpatient treatment;
- (3) Removing language that would have amended the notice requirement for petitions for involuntary hospitalization;
- (4) Removing the requirement that the Department of the Attorney General assist with petitions for involuntary hospitalization and assisted community treatment and related court proceedings;
- (5) Reverting to existing statutory language that permits a petition for assisted community treatment to be accompanied by a certificate from a psychiatrist or advanced practice registered nurse who has examined the subject of an assisted community treatment petition within twenty calendar days prior to filing the petition;

- (6) Removing the appropriation;
- (7) Changing the effective date to July 1, 2019; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1124, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1124, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs and Speaker of the House of Representatives on behalf of the Committee.

Senators Baker, Rhoads and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Lee, B. Kobayashi and Ward.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 170 on S.B. No. 281

The purpose of this measure is to:

- (1) Appropriate funds to maintain the current level of pre-hospital emergency medical services;
- (2) Require the Department of Health, through a contract with the National Highway Traffic Safety Administration (NHTSA), to conduct a study of the state medical emergency system to identify issues and problems and propose initiatives to improve the system; and
- (3) Appropriate funds for the Department of Health to contract with the NHTSA to conduct a study of the state medical emergency system.

Your Committee on Conference finds that the state comprehensive emergency medical system, also known as the state emergency medical system, is an integral piece of health care access throughout the State. Funds appropriated in this measure for collective bargaining requirements, recurring personnel costs, and other current expenditures are necessary to maintain the current level of pre-hospital emergency medical services. Your Committee on Conference further finds that by partnering with the NHTSA to conduct a study to identify any issues with or areas of improvement for the state emergency medical system, the Department of Health will ensure continuous quality improvement for the state emergency medical system.

Your Committee on Conference has amended this measure by:

- (1) Correcting references to the state emergency medical system;
- Requiring the Department of Health to establish a steering committee to develop guidelines for an evaluation of the state emergency medical system;
- (3) Clarifying the requirements for the study of the state emergency medical system, including:
  - (A) Requiring the Department of Health to contract with the NHTSA no later than September 30, 2019;
  - (B) Clarifying the purpose of the study; and
  - (C) Requiring the Department of Health to invite a NHTSA representative to brief members of the Legislature on the study findings;
- (4) Permitting the Department of Health to establish a task force to develop a plan to implement findings and recommendations from the NHTSA study and report its findings and recommendations to the Legislature;
- (5) Removing the appropriation for the Department of Health to contract with the NHTSA;
- (6) Amending the scope and inserting specific appropriation amounts for collective bargaining requirements, recurring personnel costs, and other current expenses of the state emergency medical system;
- (7) Removing a reference to Keo's Law;
- (8) Updating the purpose section;
- (9) Making this measure effective upon approval; provided that the appropriation sections shall take effect on July 1, 2019; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 281, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 281, S.D. 1, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Keith-Agaran, Keohokalole, Ruderman and Fevella. Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Luke and Ward. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 171 on S.B. No. 759

The purpose of this measure is to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and vandalism cases in the counties of Hawaii and Maui, including theft and vandalism affecting individuals who are not full-time farmers or ranchers.

Your Committee on Conference finds that agricultural theft and vandalism are recurring problems for farmers and ranchers in the counties of Hawaii and Maui, and agricultural theft and vandalism increase the cost of production and can make it more difficult for farmers and ranchers to be successful. Your Committee on Conference further finds that an existing contract between the Department of Agriculture and the County of Hawaii Office of the Prosecuting Attorney for one agricultural theft and vandalism investigator has been successful thus far, and building upon this project by establishing a two-year agricultural theft and vandalism pilot project for the counties of Hawaii and Maui will continue this successful start and further the State's goal of promoting local food production.

Your Committee on Conference has amended this measure by:

- (1) Directing the Department of Agriculture to examine and assess the effectiveness of prosecuting agricultural vandalism and the theft of agricultural products produced for commercial use of any scale, rather than only small scale;
- (2) Inserting an appropriation amount of \$200,000 and appropriating that amount for fiscal year 2019-2020 only;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 759, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 759, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Rhoads, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Creagan, Lee, Cullen and Okimoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 172 on S.B. No. 33

The purpose of this measure is to amend the annual cap on the motion picture, digital media, and film production income tax credit and extend its repeal date; provided that the University of Hawaii, West Oahu campus and the Hawaii technology development corporation execute a memorandum of understanding that commits the parties to a no-cost lease agreement that includes a provision for the potential transfer of title to certain parcels of University of Hawaii, West Oahu campus lands to the Hawaii technology development corporation.

Your Committee on Conference finds that the film industry in Hawaii is an important component of a diversified economy. Your Committee on Conference also finds that the motion picture, digital media, and film production income tax credit has been effective in stimulating the economy and creating quality jobs while promoting Hawaii as a visitor destination.

Your Committee on Conference has amended this measure by:

- (1) Increasing the annual rolling cap for the motion picture, digital media, and film production income tax credit to \$50,000,000;
- (2) Reverting to the existing sunset date of January 1, 2026, for certain amendments to the tax credit, including the annual rolling cap, and deleting the amendments to Act 88, Session Laws of Hawaii, as amended, as a conforming amendment;
- (3) Requiring the memorandum of understanding to be executed no later than December 31, 2020;
- (4) Amending the contents of the memorandum to include a commitment to enter into a no-cost lease agreement by December 31, 2021, for no less than sixty years, and which includes a provision for the transfer of title to the University of Hawaii, West Oahu campus lands to the Hawaii Technology Development Corporation within six years;
- (5) Making the provisions of this Act non-severable, rather than severable;
- (6) Changing the effective date to upon approval; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 33, S.D. 3, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 33, S.D. 3, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Kidani, Dela Cruz, Kim and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, none. Excused, none.

Representatives McKelvey, Woodson, Cullen and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 173 on S.B. No. 522

The purpose of this measure is to:

- (1) Create and appropriate funds for the activities of the plastic source reduction working group, including making recommendations for eliminating single-use plastic packaging; and
- (2) Establish and appropriate funds for the Solid Waste Prevention Coordinator position in the Department of Health.

Your Committee on Conference finds that Hawaii's forests, streams, and beaches are strewn with plastic debris, including micro plastic debris smaller than grains of sand, which are consumed by the smallest of endangered birds to the humpback whale. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood, and salt that are eventually sold for human consumption. Your Committee on Conference further finds that cleaning up plastic is a significant cost to Hawaii taxpayers. Your Committee on Conference therefore finds that creating the plastic source reduction working group is a step in the right direction toward preventing plastic debris from entering the waste stream and protecting human health and natural resources.

Your Committee on Conference has amended this measure by:

- (1) Amending the duties of the working group;
- (2) Amending the membership of the working group;
- (3) Removing the appropriation of funds for the working group;
- (4) Eliminating the creation of the Solid Waste Prevention Coordinator position and the appropriation of funds for the position;
- (5) Amending section 1 to reflect its amended purpose;
- (6) Making it effective on July 1, 2019; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 522, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 522, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Gabbard, Baker, Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 5. Noes, none. Excused, none.

Representatives Lowen, McKelvey, Takumi, Lee, Cullen, Cabanilla Arakawa, Wildberger and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, 3 (Cabanilla Arakawa, Wildberger, Thielen).

## Conf. Com. Rep. 174 on S.B. No. 663

The purpose of this measure is to establish a red light running committee to develop policies for pilot programs in the City and County of Honolulu, and counties of Maui, Kauai, and Hawaii.

Your Committee on Conference finds that there is an increasing number of drivers who run red lights, endangering the lives of pedestrians and other motorists. The prevalence of drivers violating traffic laws, particularly those who run red lights, has resulted in numerous injuries and fatalities. Your Committee on Conference further finds that traffic enforcement systems in other states and countries, such as Canada, use photo red light imaging detector technology, which has proven to be efficient and effective in identifying and deterring drivers from running a red light. Your Committee on Conference believes that a photo red light imaging detector system in the State has potential to improve overall traffic safety and deter drivers from creating hazardous situations by violating traffic laws. This measure will create the foundation of a photo red light imaging detector system by convening a red light running committee to review potential systems to implement throughout the State.

Your Committee on Conference has amended this measure by:

- (1) Including the Chair of the State Highway Safety Council or the Chair's designee as a member of the red light running committee;
- (2) Making it effective upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 663, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 663, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Rhoads, Kanuha, Harimoto and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Aquino, Lee, Cullen, Hashimoto and McDermott.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

#### Conf. Com. Rep. 175 on S.B. No. 162

The purpose of this measure is to:

- (1) Amend the amount of the rental motor vehicle surcharge tax;
- (2) Repeal the additional surcharge tax fee of \$2 for lessees who do not possess a valid Hawaii driver's license;
- (3) Deposit the surcharge tax revenues into the state highway fund, for statewide use, and the county subaccounts in the state highway fund for highway road capacity projects in the respective county; and
- (4) Appropriate money out of the state highway fund.

Your Committee on Conference finds that rental vehicle lessees make up a large proportion of public highway users, causing wear and tear on the State's roads. Your Committee on Conference further finds that as more individuals are converting to electric or alternative fuel vehicles, the State experiences a reduction in revenue received from the fuel tax. This measure will address the reduction in revenue received from the fuel tax by increasing the rental motor vehicle surcharge tax, regardless of an individual's residency.

Your Committee on Conference has amended this measure by:

- (1) Increasing the rental motor vehicle surcharge from \$3 to \$5;
- (2) Repealing the requirement that the additional \$2 surcharge fee collected from lessees without a valid Hawaii driver's license be deposited to the credit of the respective county subaccount of the state highway fund that corresponds to the county in which the rental motor vehicle was driver under rental or lease and instead depositing all amounts collected into the state highway fund;
- (3) Removing the appropriation out of the state highway funds; and
- (4) Making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 162, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 162, S.D. 2, H.D. 3, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Inouye, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Aquino, Takumi, Cullen, Hashimoto, Yamashita and McDermott.

Managers on the part of the House. Ayes, 6. Noes, none. Excused, none.

### Conf. Com. Rep. 176 on H.B. No. 32

The purpose of this measure is to extend the deadline from September 1, 2019, to November 13, 2019, for the Legislative Reference Bureau to submit a report to the Legislature as required by Act 109, Session Laws of Hawaii 2018, regarding a sunrise analysis for the establishment of paid family leave in the State.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to upon its approval; and
- (2) Making a technical, nonsubstantive amendment for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 32, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 32, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Eli, Quinlan and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

# Conf. Com. Rep. 177 on H.B. No. 157

The purpose of this measure is to:

- Expand the types of employee information government agencies are required to disclose, upon written request, to employees'
  exclusive representatives; and
- (2) Require that information regarding new hire employees under collective bargaining disclosure requirements be provided to the appropriate exclusive representatives within an unspecified number of payroll periods.

Your Committee on Conference has amended this measure by:

- (1) Requiring that information regarding new hire employees under collective bargaining disclosure requirements be provided to the appropriate exclusive representatives within two payroll periods;
- (2) Changing the effective date to October 1, 2019; and
- (3) Making a technical, nonsubstantive amendment for consistency and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 157, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 157, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Keith-Agaran, Chang and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Eli and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 178 on H.B. No. 845

The purpose of this measure is to:

- (1) Establish the State Employees Training Program, governed by a board, to provide training to state employees; and
- (2) Require that all new employees be provided with a general orientation on their benefits and rights within twenty days of being hired.

Your Committee on Conference has amended this measure by:

- (1) Removing the provisions that established the State Employees Training Program;
- (2) Changing its effective date to upon its approval; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 845, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 845, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Moriwaki, Chang and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Nishimoto, Nakashima, Quinlan and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (Nakashima, Quinlan).

## Conf. Com. Rep. 179 on H.B. No. 914

The purpose of this measure is to clarify that the party seeking review of a decision and order of the Hawaii Labor Relations Board is to bear the costs of preparing the transcript, except as provided by law, in which case the Hawaii Labor Relations Board is to bear the cost of preparing the transcript.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 914, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 914, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Eli and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 180 on H.B. No. 981

The purpose of this measure is to establish a clear statutory basis for the recovery of overpayments of Employees' Retirement System (ERS) benefits by:

- (1) Specifying that overpayments of refunds and retirement benefits constitute a debt due and owing to the ERS by recipients of the overpayments;
- (2) Requiring the ERS to adopt and enforce rules as necessary for the recovery of retirement benefit overpayments; and
- (3) Enabling the ERS Board of Trustees or the ERS Executive Director to waive the recovery of retirement benefit overpayments in cases of bona fide hardship or where the costs of recovery would exceed the amount expected to be recovered.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 981, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 981, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Johanson, Eli and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

### Conf. Com. Rep. 181 on H.B. No. 710

The purpose of this measure is to add reproductive health decisions to the list of categories that are protected against discriminatory employment practices.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 710, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 710, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Lee, Eli and Matsumoto.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, none.

## Conf. Com. Rep. 182 on H.B. No. 34

The purpose of this measure is to:

- Require that the foreperson classification be recognized for purposes of determining wage and hour requirements for mechanics and laborers on public works projects pursuant to statute and collective bargaining agreements; and
- (2) Amend the "public work" definition under Chapter 104, Hawaii Revised Statutes, Wages and Hours of Employees on Public Works Law, to include projects for which funds or resources used are to any extent derived from State or county public revenues, or from the sale of securities or bonds whose interest or dividends are exempt from state or federal taxes.

Your Committee on Conference has amended this measure by:

- Deleting provisions requiring that the foreperson classification be recognized for purposes of determining wage and hour
  requirements for mechanics and laborers on public works projects pursuant to statute and to collective bargaining agreements;
- (2) Deleting the savings clause, conflict with federal requirements clause, and contract impairment provisions; and
- (3) Changing its effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 34, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 34, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Keith-Agaran and Ihara.

Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Ihara).

Representatives Johanson, Eli, Quinlan and Matsumoto.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 183 on H.B. No. 1586

The purpose of this measure is to revitalize certain lands under the jurisdiction of the Stadium Authority by:

- (1) Establishing a stadium development district under the authority of the Stadium Authority;
- Providing the Hawaii Community Development Authority with the authority to develop the lands contained in the stadium development district;
- (3) Establishing lease restrictions applicable to all leases within the stadium development district;
- (4) Requiring the Department of Land and Natural Resources to transfer the fee simple interest of lands under the control or jurisdiction of the Stadium Authority to the Stadium Authority as grantee;
- (5) Authorizing the lapse of a prior appropriation for a capital improvement project under Act 49, Session Laws of Hawaii 2017, as renumbered by Act 53, Session Laws of Hawaii 2018, and transferring and appropriating the lapsed amount to the Hawaii Community Development Authority to establish and develop the stadium development district for public use;
- (6) Appropriating general funds of \$50,000,000 to the Hawaii Community Development Authority for the establishment and development of the stadium development district for public use;
- (7) Authorizing the Director of Finance to issue reimbursable general obligation bonds of \$150,000,000 and appropriating that sum for the Hawaii Community Development Authority to establish the stadium development district and build a new stadium; and
- (8) Authorizing the Director of Finance to issue general obligation bonds of \$150,000,000 and appropriating that sum to the Hawaii Community Development Authority to build a new stadium.

Your Committee on Conference finds that the redevelopment of lands under the jurisdiction of the Stadium Authority and the Department of Accounting and General Services could benefit from the Hawaii Community Development Authority administering the project.

Your Committee on Conference amended this measure by deleting the majority of its contents and replacing it with the contents of H.B. No. 1497, H.D. 3, which:

- (1) Also establishes a stadium development district under the jurisdiction of the Stadium Authority;
- (2) Also appropriates general funds of \$50,000,000 to the Hawaii Community Development Authority for the establishment and development of the stadium development district for public use;
- (3) Authorizes the Hawaii Community Development Authority to issue revenue bonds of up to \$150,000,000 to implement the stadium development district and build a new stadium;
- (4) Also authorizes the Director of Finance to issue general obligation bonds of \$150,000,000 and appropriates that sum to the Hawaii Community Development Authority to build a new stadium;
- (5) Also authorizes the lapse of a prior appropriation for a capital improvement project under Act 49, Session Laws of Hawaii 2017, as amended by Act 53, Session Laws of Hawaii 2018; and
- (6) Authorizes the Director of Finance to issue general obligation bonds of \$9,405,252 and appropriates that sum to the Hawaii Community Development Authority to build a new stadium.

In addition, your Committee on Conference has further amended the contents of H.B. No. 1497, H.D. 3, by:

- (1) Retaining language from H.B. No. 1586, S.D. 2, which requires the Department of Land and Natural Resources to transfer the fee simple interest of lands under the control or jurisdiction of the Stadium Authority to the Stadium Authority as grantee; but without the provisions relating to either the extinguishment of claims and liabilities against the Department of Land and Natural Resources or the transfer initiation date;
- (2) Requiring the Hawaii Community Development Authority, the Comptroller, and the Stadium Authority to execute a memorandum of agreement with appropriate state agencies for matters affecting the stadium development district;
- (3) Requiring the Hawaii Community Development Authority to submit annual comprehensive reports to the Legislature on the progress of the development within the stadium development district;
- (4) Providing the Hawaii Community Development Authority with an exception to the lease term limit of sixty-five years for real or personal property in a redevelopment project, by specifying that leases in the stadium development district shall not exceed ninety-nine years;
- (5) Decreasing the general fund appropriation to the Hawaii Community Development Authority from \$50,000,000 to \$20,000,000;
- (6) Increasing the revenue bond authorization from \$150,000,000 to \$180,000,000 and deleting the building of a new stadium as a specified purpose for both the revenue bond authorization and the general obligation bond authorization;

- (7) Deleting the provisions relating to the lapse of the prior appropriation for a capital improvement project under Act 49, Session Laws of Hawaii 2017, as amended by Act 53, Session Laws of Hawaii 2018;
- (8) Deleting the provisions relating to the issuance of general bond obligations of \$9,405,252 for the Hawaii Community Development Authority to build a new stadium;
- (9) Changing the effective date from January 1, 2050, to July 1, 2019; and
- (10) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1586, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1586, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Thielen, Dela Cruz, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Yamane, Luke, Cullen and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 184 on H.B. No. 867

The purpose of this measure is to support critical government functions by facilitating and expediting the recruiting and hiring of the most talented and qualified staff to support these functions.

Specifically, this measure:

- Establishes an experimental modernization administrative officer position within the Department of Human Resources
  Development (DHRD) to facilitate and expedite the recruitment and hiring for civil service positions under DHRD's
  jurisdiction, and to direct experimental modernization projects as required by law;
- (2) Establishes an experimental modernization project within DHRD to address recruitment problems faced by the State's executive departments and requires DHRD to submit a report on the project to the Legislature prior to the 2020 Regular Session; and
- (3) Appropriates funds to establish the experimental modernization project, including the hiring of staff to implement the project.

After careful consideration in advancing a measure to support critical government functions and services with optimal staffing and a high-performing workforce, your Committee on Conference has amended this measure by:

- (1) Deleting provisions that establish an experimental modernization project within DHRD and the corresponding appropriation to establish the project;
- (2) Deleting provisions that establish an experimental modernization administrative officer position and the corresponding appropriation for full-time positions to implement the project;
- (3) Establishing an administrative assistant position within DHRD to, among other things, facilitate and expedite the hiring and recruitment for civil service positions under DHRD's jurisdiction, and to reclassify and abolish state department and agency positions, subject to certain conditions;
- (4) Appropriating funds for each year of Fiscal Biennium 2019-2021 to DHRD for the following expenditures of HRD102: workforce attraction, selection, classification, and effectiveness, including a permanent full-time position for the administrative assistant and two full-time senior recruiter positions, and to support DHRD's learning management system upgrade;
- (5) Changing its effective date to July 1, 2019; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

While your Committee on Conference has amended this measure by removing funding for a recruitment modernization program proposed by the Senate, your Committee on Conference agrees that the pilot project should continue. It also agrees that DHRD is responsible for providing leadership and assistance to state departments to recruit and retain the best and brightest employees necessary to fill critical vacancies and that DHRD is strongly urged to continue a recruitment modernization program to the extent that resources allow. The recruitment modernization program facilitates a collaboration between DHRD and other state departments to identify solutions to problems in recruitment, which include streamlining the recruitment process; simplifying class specifications, including minimum qualifications; and developing competitive salary programs. Your Committee on Conference finds that such efforts may be further enhanced through collaboration with the Legislature during the interim and that funding for this project may be reconsidered during the 2020 Regular Session.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 867, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 867, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Moriwaki, Chang and Fevella. Managers on the part of the Senate. Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Luke and Matsumoto.

Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 185 on S.B. No. 989

The purpose of this measure is to:

- (1) Rename the Creative Industries Division as the Office of Creative Film and Media Industries Hawaii and establish the Office in statute:
- (2) Provide that the Hawaii Film Office and the Arts and Culture Development Branch shall be agencies of the Office of Creative Film and Media Industries Hawaii;
- (3) Specify that the Office of Creative Film and Media Industries Hawaii shall include certain positions to operate the Office;
- (4) Transfer Hawaii Film Office employees to the Office of Creative Film and Media Industries Hawaii without any consequence to their employment benefits or status;
- (5) Define "creative industries" and "creative media";
- (6) Rename the Hawaii television and film development special fund as the creative film and media development special fund, and amend the uses of the fund to support creative intellectual property and related infrastructure development within the Department of Business, Economic Development, and Tourism;
- (7) Provide appropriations for positions within the Office of Creative Film and Media Industries Hawaii;
- (8) Provide additional appropriations for activities related to the development of creative film and media industries in Hawaii; and
- (9) Establish and appropriate funds for a State of Hawaii Office of the Business Development and Support Division in Guangzhou, China.

Your Committee on Conference finds that there are significant economic and tourism benefits for the State from the Hawaii film and creative industries. Your Committee on Conference also finds that the Creative Industries Division of the Department of Business, Economic Development, and Tourism, Hawaii Film Office, and Arts and Culture Development Branch need to be restructured to better provide growth within the State's creative sectors. Your Committee on Conference further finds that to adequately strengthen Hawaii's creative economy, the Office of Creative Film and Media Industries Hawaii must be provided with adequate staffing.

Your Committee on Conference has amended this measure by:

- (1) Removing the purpose section;
- (2) Deleting language that would have renamed the Creative Industries Division as the Office of Creative Film and Media Industries Hawaii, established the Office in statute, and appropriated funds for various positions within the Office and making conforming amendments:
- (3) Deleting language that would have made the Hawaii Film Office and the Arts and Culture Development Branch agencies of the Office of Creative Film and Media Industries Hawaii;
- (4) Changing references throughout this measure from "creative film" and "media" to "creative media" and "film", respectively, and making similar amendments to defined terms;
- (5) Renaming the Hawaii television and film development special fund from the "creative film and media development special fund" to the "Hawaii film and creative industries development special fund", and amending the sources and allowable uses of monies in the special fund;
- (6) Repealing section 201-112, Hawaii Revised Statutes, which established the Hawaii Television and Film Development Board;
- (7) Deleting appropriations for activities related to the development of creative film and media industries in Hawaii;
- (8) Deleting language that would have established and appropriated funds for a State of Hawaii Office of the Business Development and Support Division in Guangzhou, China;
- (9) Inserting an appropriation of \$1,200,000 for fiscal year 2019-2020 for the University of Hawaii creative media program to strengthen the pipeline of students to the creative media industry;
- (10) Changing the effective date to July 1, 2019; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 989, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 989, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Wakai, Keohokalole, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives McKelvey, Luke and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

#### Conf. Com. Rep. 186 on S.B. No. 1353

The purpose of this measure is to facilitate the regulation and production of industrial hemp in the State by:

- (1) Requiring the Department of Agriculture (Department) to establish a permanent industrial hemp program to license individuals to cultivate industrial hemp in the State;
- (2) Authorizing licensees to utilize hemp genetics that meet federal definitions of hemp and other requirements;
- (3) Imposing a monetary penalty on any person who produces hemp without authorization from a state or federal program;
- (4) Establishing an affirmative defense to certain criminal drug promotion offenses;
- (5) Authorizing the Department to use temporary inspectors to perform industrial hemp inspections;
- (6) Exempting the transportation of certain hemp plant materials from penalties relating to the possession of those material outside of a field of lawful cultivation;
- (7) Reducing or repealing certain regulatory requirements under the existing industrial hemp pilot program;
- (8) Amending definitions of "marijuana" in state law to clarify that hemp is not marijuana and amending references to tetrahydrocannabinols in the state law to exclude tetrahydrocannabinols in hemp;
- (9) Requiring the Chairperson of the Board of Agriculture to:
  - (A) Prepare and submit a proposed state plan to monitor and regulate hemp production to the federal Secretary of Agriculture pursuant to section 297B of the Agricultural Marketing Act of 1946, as amended; and
  - (B) Report to the Governor, Speaker of the House of Representatives, and President of the Senate on the status of the federal Secretary of Agriculture's pending approval of the state plan and, if approved, the subsequent implementation of the plan; and
- (10) Establishing an industrial hemp special fund for the purposes of the permanent industrial hemp program, appropriating monies into that fund, and appropriating monies from that fund for the establishment of positions relating to the regulation of industrial hemp.

Your Committee on Conference finds that Act 228, Session Laws of Hawaii 2016, established an industrial hemp pilot program to allow the cultivation of industrial hemp under certain conditions. Your Committee on Conference further finds that the 2018 Farm Bill removed industrial hemp from the federal schedule I controlled substances list, thus, prompting this measure to further facilitate the regulation and production of industrial hemp in the State.

Your Committee on Conference has amended this measure by:

- (1) Removing the definition of "retail" from section 141-A, Hawaii Revised Statutes;
- (2) Requiring applicants for a license to grow industrial hemp in the State to be either an individual or an entity and requiring applicants to include certain documentation;
- (3) Requiring licensees to comply with county zoning ordinances, rules, or regulations;
- (4) Limiting random sampling inspections to one inspection per calendar year;
- (5) Allowing industrial hemp licenses to be transferred upon approval by the Board of Agriculture;
- (6) Removing the term "seed" in reference to agricultural cultivars to allow non-seed, approved cultivars to be grown for the permanent and pilot program;
- (7) Adding that the Chairperson or Board of Agriculture may add or remove any cultivar from the list of approved industrial hemp cultivars notwithstanding chapter 91, Hawaii Revised Statutes;
- (8) Adding to the list of approved cultivars hemp genetics that utilize testing and sampling protocols similar to those used in Hawaii's program or a nationally standardized sampling and testing protocol;
- (9) Clarifying that a licensee shall permit the annual inspection and sampling of the licensee's hemp plant material, seeds, growing area, equipment, and facilities incident to the cultivation of hemp, in addition to the annual inspection and sampling of the licensee's hemp plants;
- (10) Requiring notice for and authorizing inspections of any property utilized for industrial hemp cultivation, between sunrise and sunset;
- (11) Allowing licensees to transport the resin, flowering tops, and leaves of the licensee's crop that passed Department-ordered compliance testing, to another site for processing and in a Department of Agriculture-approved manner;
- (12) Clarifying that failure to provide reasonably required or requested information and failure to pay reasonable fees are violations:
- (13) Increasing the cap on the amount of civil penalties that the Department may impose for any violation of this part from \$100 to \$500;

- (14) Specifying disciplinary sanctions for violations of this part, to include complying with a corrective action plan among other sanctions:
- (15) Preventing the Department from adopting rules to revoke a license when an annual inspection of a random sample results in tetrahydrocannabinol levels of greater than 0.3 percent, so long as the crop from which the sample was taken is disposed of in a manner provided by rule;
- (16) Allowing the Department to adopt supplemental rules to require movement, but not pre-planting, reporting;
- (17) Deleting exemptions from chapters 91 and 201M, Hawaii Revised Statutes, for the adoption of interim rules;
- (18) Authorizing the Board of Agriculture to modify, instead of cease, operations of the industrial hemp program to effectuate any other federal or state industrial hemp law or regulations;
- (19) Defining the unauthorized cultivation of hemp as planting, cultivating, growing, or harvesting hemp without a license issued by the Department, with the intent to process, sell, or otherwise transfer the hemp;
- (20) Authorizing a fine of not less than \$100 and not more than \$500 for a violation of the unauthorized cultivation of hemp;
- (21) Clarifying that the affirmative defense to prosecution for the cultivation of industrial hemp applies to cultivation and possession of marijuana within a licensed land area;
- (22) Amending section 141-33, Hawaii Revised Statutes, to specify what information is required in and procedures for the application for an industrial hemp pilot program license;
- (23) Amending sampling requirements for the pilot program and adding that the Board may require appropriate remedial action when a sample test result indicates that at least one cannabis plant or part of a plant in the growing area contains a delta-9 tetrahydrocannabinol concentration over the limit allowed for industrial hemp;
- (24) Clarifying that failure or refusal of pilot program licensees to reasonably cooperate with the inspection process and provide relevant information reasonably required by the Board is a violation;
- (25) Deleting the amendment to section 141-39, Hawaii Revised Statutes, that would have required the Board of Agriculture to forego income or profits lawfully obtained by pilot program licensees if they report to the Board movement of the licensee's industrial hemp plants, plant materials, or seeds;
- (26) Requiring the Department to establish fees pursuant to chapter 91, Hawaii Revised Statutes, for temporary inspection services under section 141-37, Hawaii Revised Statutes;
- (27) Requiring the Chairperson of the Board of Agriculture to submit reports on a quarterly basis to the Governor regarding the approval status of the state plan by the federal Secretary of Agriculture until the plan is approved;
- (28) Inserting an appropriation amount of \$225,000 for each fiscal year of the 2019-2021 biennium into and out of the permanent industrial hemp special fund for:
  - (A) One full-time equivalent (1.0 FTE) program coordinator position;
  - $\begin{tabular}{ll} (B) & Two full-time equivalent (2.0 FTE) specialist positions; and \end{tabular}$
  - (C) Administrative costs of the industrial hemp program;
- (29) Amending section 1 to reflect its amended purpose;
- (30) Changing the effective date to July 1, 2019; and
- (31) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1353, S.D. 3, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1353, S.D. 3, H.D. 3, C.D. 1.

Signed by the Senate President and Chairs on behalf of the Committee.

Senators Gabbard, Rhoads, English and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, none.

Representatives Creagan, Lee, Luke, Wildberger and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 187 on S.B. No. 1405

The purpose and intent of this measure is to deter the sale and use of electronic smoking products.

Specifically, this measure:

- (1) Establishes the offense of unlawful shipment of e-liquid products;
- (2) Increases tobacco wholesaler or dealer license fees and retail permit fees; and

(3) Increases administrative fines and criminal penalties for electronic smoking devices by persons under the age of twenty-one years.

Your Committee finds that the State should take appropriate measures to prevent persons under the age of twenty-one years from engaging in the possession of electronic smoking products.

Your Committee has amended this measure by deleting its substantive provisions and inserting language to:

- (1) Require public school teachers and educators to confiscate electronic cigarettes from students under twenty-one years of age;
- (2) Require the Department of Health to establish a Safe Harbor Program by which persons under the age of twenty-one may dispose of electronic cigarettes in their possession;
- (3) Increase the administrative fine to \$100 for persons under the age of twenty-one for certain electronic smoking device infractions;
- (4) Change the effective date to July 1, 2019; and
- (5) Make technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1405, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1405, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Baker, Rhoads, Riviere, Nishihara and Fevella.

Managers on the part of the Senate.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

Representatives Mizuno, Takumi, Lee, Nishimoto and Matsumoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

#### Conf. Com. Rep. 188 on S.B. No. 1498

The purpose of this measure is to:

- (1) Broaden the powers and functions of the Hawaii Labor Relations Board (Board) to include:
  - (A) Determining qualifications and establishing lists of qualified persons to be available to serve as grievance arbitrators; and
  - (B) Resolving disputes over the qualifications and criteria for potential arbitrators selected under certain circumstances to resolve collective bargaining impasses; and
- (2) Clarify that in the case that public employers and public employees are not able to agree to a neutral arbitrator to chair the panel that arbitrates an impasse, the neutral arbitrator shall be selected from a list of experienced interest arbitrators.

Your Committee on Conference finds that there is a clear delineation between grievance arbitrators and interest arbitrators. Due to the fundamental difference between resolving contractual disputes and determining the provisions of the contract, it is appropriate to segregate the functions of a grievance arbitrator and an interest arbitrator, as well as to allow the Board to resolve disputes over the qualifications and criteria of the list of qualified arbitrators.

Your Committee on Conference has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1498, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1498, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Kanuha, Chang and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Johanson, Eli and Matsumoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 189 on S.B. No. 292

The purpose of this measure is to ensure that service employees of state or county contractors are paid at wages that are certified to be accurate and in accordance with applicable labor laws. Specifically, this measure:

- (1) Specifies wage obligations of a contractor that performs services in excess of \$25,000 for any governmental agency;
- (2) Authorizes a governmental agency to withhold portions of payments from the contractor as the governmental agency considers necessary to cover the difference between the required wages and the wages received by the employed laborers and mechanics:
- (3) Requires a contractor to submit a certified copy of all payrolls on a weekly basis to the governmental contracting agency; and

(4) Specifies the contractor's obligations in connection with payroll records and the penalties for failure to comply.

Your Committee on Conference finds that service employees of contractors under state or county contracts require greater wage protection than is currently afforded. Your Committee on Conference further finds that in contrast to government-sponsored public works projects, where construction wages can be clearly verified through submission of certified payrolls, there is currently no mechanism to ensure that other types of workers on government service contracts are also being paid correctly. This measure requires contractors to maintain and submit certified payrolls which will help ensure that service employees are paid the correct wages and receive adequate compensation for what can be hazardous and difficult work.

Your Committee on Conference has amended this measure by:

- (1) Removing the findings;
- (2) Removing language that required a contractor or subcontractor to pay laborers and mechanics providing services, their full amount owed unconditionally and no less than once a week;
- (3) Clarifying that section 103-55, Hawaii Revised Statutes, applies to contracts for services performed by laborers and mechanics:
- (4) Removing language that provided for penalties for a contractor's failure to comply with obligations in connection with payroll records:
- (5) Inserting language to require a governmental contracting agency to pay, cause to be paid, or order to pay any wages or overtime compensation due to laborers or mechanics under certain conditions;
- (6) Inserting language that makes exceptions for contracts for furniture and equipment type work and existing contracts that were executed prior to this measure;
- (7) Changing the effective date to September 1, 2019; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 292, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 292, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Gabbard and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Gabbard).

Representatives Johanson, Eli and Matsumoto. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

# Conf. Com. Rep. 190 on S.B. No. 1394

The purpose of this measure is to:

- (1) Establish a historic preservation income tax credit; and
- (2) Appropriate funds for one temporary position to assist with the establishment and administration of the Hawaii historic preservation income tax credit program.

Your Committee on Conference finds that tax incentives for rehabilitation of historic structures have been proven to be enormously effective in preserving important buildings; ensuring their continued economic viability; revitalizing communities, especially historic downtowns; preserving community character; and promoting heritage tourism. Tax credits for rehabilitation of historic structures also provide an incentive to promote rehabilitation of income producing historic properties and provide affordable housing. This measure will establish a historic rehabilitation tax credit, which will benefit affordable housing, tourism, neighborhood revitalization, and the economy.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the historic preservation income tax credit is for substantial rehabilitation of a certified historic structure;
- (2) Inserting a \$1,000,000 cap on the tax credits claimed for taxable years 2020, 2021, 2022, 2023, and 2024;
- (3) Removing language that established a temporary position to assist with the establishment and administration of the historic preservations tax credit and appropriated funds for that position;
- (4) Changing the effective date to July 1, 2019; provided that this measure shall be repealed on December 31, 2024;
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1394, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1394, S.D. 2, H.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Moriwaki and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Brower, Matayoshi, Hashem and McDermott.

Managers on the part of the House. Ayes, 4. Noes, none. Excused, none.

#### Conf. Com. Rep. 192 on H.B. No. 654

The purpose of this measure is to improve the health of Hawaii's people by appropriating an unspecified sum to the University of Hawaii Cancer Center to determine the etiologies of the high incidence of liver and bile duct cancer in the State.

After careful consideration, your Committee on Conference has amended this measure by:

- (1) Appropriating \$350,000 for fiscal year 2019-2020 for the University of Hawaii Cancer Center to determine the etiologies of the high incidence of liver and bile duct cancer in Hawaii;
- (2) Requiring the University of Hawaii to submit a single report of its findings, including how the appropriated funds were spent, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2020; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 654, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 654, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Baker, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Mizuno, Cullen, D. Kobayashi and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (D. Kobayashi, Okimoto).

## Conf. Com. Rep. 193 on H.B. No. 843

The purpose of this measure is to support and enhance vocational education and workforce development in the County of Hawaii by making an appropriation in an unspecified sum to the University of Hawaii for three non-tenure track, full-time, temporary positions for the Applied Technical Education Program at Hawaii Community College for the 2019-2021 fiscal biennium.

Your Committee on Conference has amended this measure by:

- (1) Appropriating \$60,000 for each year of the 2019-2021 fiscal biennium for three non-tenure track, full-time, temporary positions for the Applied Technical Education Program at Hawaii Community College; and
- (2) Changing its effective date to July 1, 2019.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 843, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 843, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Kahele and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Todd, D. Kobayashi, Nakashima, Tarnas and Okimoto.

Managers on the part of the House.

Ayes, 6. Noes, none. Excused, none.

## Conf. Com. Rep. 194 on H.B. No. 622

The purpose of this measure is to strengthen fiscal accountability for charter schools by:

- (1) Requiring that if federal criminal charges are filed against an employee of a charter school for actions taken in the course of employment, control of public funds that have been disbursed to the school must be transferred to the State Public Charter School Commission;
- (2) Requiring that funds appropriated to a charter school must remain in the state treasury until disbursed pursuant to statutory requirements or approved for expenditure by the authorizer or by court order;
- (3) Requiring authorizers to develop and maintain a system of banking accounts that charter schools must exclusively use to receive and expend federal and state funds;
- (4) Making authorizers responsible for the selection of independent auditors to complete each charter school's annual financial audit and repealing an authorizer's discretionary authority to permit a financial review in lieu of an audit; and

(5) Prohibiting individuals from serving on the Board of Education or the State Public Charter School Commission if they were affiliated with any charter schools within the four years preceding appointment to the Board or Commission.

After careful consideration, your Committee on Conference has amended this measure by:

- (1) Deleting the provision pertaining to federal criminal charges;
- (2) Deleting the provision requiring that funds appropriated to a charter school must remain in the state treasury until certain requirements are met;
- (3) Including financial reviews within the scope of an authorizer's continual monitoring of the performance and legal compliance of charter schools that it oversees:
- (4) Deleting the provision requiring authorizers to develop and maintain a system of banking accounts that charter schools must exclusively use to receive and expend federal and state funds;
- (5) Specifying that upon the request of its authorizer, each charter school must provide to the authorizer full access to its fiscal and accounting books, documents, and files;
- (6) Requiring authorizers to select three independent auditors, from which the charter school will select one independent auditor to comply with auditing requirements;
- (7) Removing the prohibition against individuals from serving on the Board of Education if they were affiliated with any charter schools within the four years preceding appointment to the Board;
- (8) Amending the prohibition against individuals serving on the State Public Charter School Commission to prohibit service within one year of affiliation with any charter school;
- (9) Changing its effective date to July 1, 2019; and
- (10) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 622, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 622, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Luke, Cullen, Hashem, Matayoshi, Tarnas and Okimoto.

Managers on the part of the House.

Ayes, 7; Ayes with Reservations (Okimoto). Noes, none. Excused, none.

# Conf. Com. Rep. 195 on H.B. No. 1070

The purpose of this measure is to improve public education in Hawaii by:

- (1) Prohibiting the Department of Education from requiring that a public school expend school funds to maintain geographically disadvantageous land on or adjacent to the public school's property; and
- (2) Making appropriations in unspecified amounts for six permanent full-time equivalent positions for and other expenses of the Hawaii Teacher Standards Board.

Your Committee on Conference has amended this measure by:

- Inserting appropriation amounts for the six permanent full-time equivalent positions for and other expenses of the Hawaii Teacher Standards Board;
- (2) Appropriating moneys for teacher stipends for the Grow Our Own Teachers Initiative;
- (3) Changing its effective date to June 28, 2019; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1070, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1070, H.D. 1, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Kitagawa, Gates, Holt and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

# Conf. Com. Rep. 196 on H.B. No. 1276

The purpose of this measure is to improve public education in Hawaii by establishing a working group within the Department of Education to consider and develop best practices for collaborative planning and expanded learning time in Hawaii's public schools.

After careful consideration, your Committee on Conference has amended this measure by:

- (1) Broadening the scope of matters to be considered by the working group, such as the structure of public school classroom operations; the rotation of principals among the public elementary, middle or intermediate, and high schools in a designated complex area; the rotation time for principals and vice principals in each public school classroom to observe educational practices; and effective methods to implement project-based learning into the curriculum;
- Clarifying that the Superintendent of Education will select the Department of Education principal and teacher who are members of the working group;
- (3) Exempting the working group from part I of chapter 92, Hawaii Revised Statutes; provided that the Department of Education makes available to the public the minutes of all meetings of the working group on the Department's website;
- (4) Requiring the working group to submit a report of its findings to the Legislature, the Superintendent of Education, and all complex area superintendents no later than 20 days prior to the convening of the Regular Session of 2021;
- (5) Changing its effective date to July 1, 2019; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1276, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1276, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Kitagawa, Gates, Holt and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

### Conf. Com. Rep. 197 on H.B. No. 1455

The purpose of this measure is to support the efforts of the University of Hawaii Maui College's International Office in connecting Maui county and the world by making appropriations in unspecified sums for additional office staff and for study abroad opportunities for students.

Your Committee on Conference has amended this measure by:

- (1) Deleting the appropriations for a part-time position for an international/regional partnership specialist and for study abroad opportunities for University of Hawaii Maui college students;
- (2) Appropriating \$37,560 for each year of fiscal biennium 2019-2021 for a full-time position for an international educational management specialist;
- (3) Changing its effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1455, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1455, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Nishimoto, Hashimoto, D. Kobayashi and Okimoto.

Managers on the part of the House.

Ayes, 3. Noes, none. Excused, 2 (D. Kobayashi, Okimoto).

#### Conf. Com. Rep. 198 on H.B. No. 398

The purpose of this measure is to:

- (1) Address the shortage of qualified public school teachers in the State by requiring the University of Hawaii to temporarily establish additional distance-learning classes in teaching for students who are pursuing undergraduate or graduate degrees in education; and
- (2) Amend the composition and responsibilities of the Board of Regents of the University of Hawaii, including by:

- (A) Reducing the number of board members from 15 to 11;
- (B) Requiring that of the five board members representing the City and County of Honolulu, three members must represent and reside in the First Congressional District of Hawaii and two members must represent and reside in the Second Congressional District of Hawaii;
- (C) Requiring the Board of Regents to hold the president and administration of the University of Hawaii accountable for decisions, actions, and leases that incur additional costs to the University; and
- (D) Establishing holdover provisions for the members of the Board of Regents.

After careful consideration, your Committee on Conference has amended this measure by:

- Deleting the requirement that the University of Hawaii temporarily establish additional distance-learning classes in teaching for students who are pursuing undergraduate or graduate degrees in education;
- (2) Deleting the requirement that the members of the Board of Regents of the University of Hawaii who represent the City and County of Honolulu must represent and reside in certain geographical regions;
- (3) Deleting the requirement that the University of Hawaii Board of Regents hold the president and administration of the University of Hawaii accountable for decisions, actions, and leases that incur additional costs to the University;
- (4) Changing its effective date to June 30, 2019; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee on Conference notes that this measure provides for a smooth transition so that current members of the University of Hawaii Board of Regents can complete their current terms of office.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 398, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 398, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Keith-Agaran, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Cullen, Hashimoto, D. Kobayashi and Okimoto.

Managers on the part of the House.

Ayes, 5; Ayes with Reservations (Okimoto). Noes, none. Excused, none.

# Conf. Com. Rep. 199 on H.B. No. 1547

The purpose of this measure is to appropriate \$4,000,000 to the University of Hawaii to provide all student-athletes with incidental benefits as permitted by National Collegiate Athletics Association bylaws.

Your Committee has amended this measure by changing its effective date to July 1, 2019.

Your Committee on Conference notes that of the \$4,000,000 appropriated, \$1,000,000 should be allocated for meals for student-athletes

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1547, H.D. 2, S.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1547, H.D. 2, S.D. 3, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kim, Kidani and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Woodson, Todd, D. Kobayashi, Quinlan and Okimoto.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

#### Conf. Com. Rep. 200 on H.B. No. 250

The purpose of this measure is to formally establish the Hawaii Keiki: Healthy and Ready to Learn Program and establish the Hawaii Keiki: Healthy and Ready to Learn Special Fund, provide increased flexibility for the administration of necessary medication to students, provide funding to expand and sustain the program, appropriate funds for an evidence-based vision-screening and eye-assessment tool appropriate for children in kindergarten through grade twelve as part of the Hawaii Keiki: Healthy and Ready to Learn Program, and appropriate funds to establish school health services coordinators in the departments of Health and Human Services to increase coordination and facilitate departmental and interdepartmental activities related to comprehensive school-based health services.

After careful consideration, your Committee on Conference has amended this measure by:

- (1) Removing the provisions that formally established the Hawaii Keiki: Healthy and Ready to Learn program within the Department of Education;
- (2) Deleting the Hawaii Keiki: Healthy and Ready to Learn Special Fund;
- (3) Appropriating \$752,066 for each year of fiscal biennium 2019-2021 to implement, expand, and sustain the Hawaii Keiki: Healthy and Ready to Learn Program;
- (4) Appropriating \$256,000 for each year of fiscal biennium 2019-2021 to license electronic school records;
- (5) Changing its effective date to July 1, 2019; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee requests that if there are any remaining funds, they should be expended by the Department of Education, Department of Health, and Department of Human Services for an evidence-based vision-screening and eye-assessment tool appropriate for children in kindergarten through grade twelve as part of the Hawaii Keiki: Healthy and Ready to Learn Program.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 250, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 250, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Kidani, Kanuha and Fevella. Managers on the part of the Senate. Ayes, 2. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, Mizuno, Kitagawa, DeCoite and Okimoto.

Managers on the part of the House. Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 201 on H.B. No. 942

The purpose of this measure is to satisfy several claims against the State, its officers, or its employees.

Your Committee on Conference has amended this measure by:

- (1) Appropriating \$12,283.57 in general funds for a claim by BG Kauai Holdings LLC;
- (2) Appropriating \$2,332.00 in general funds for a claim by Michael Bradley;
- (3) Appropriating \$76.62 in general funds for a claim by Raquel B. Nakahara;
- (4) Appropriating \$12,110.24 in general funds for a claim by Joseph Novotny;
- (5) Amending the appropriation amount for the settlement in the case of O'Grady, et al. v. State of Hawaii, et al., Civil No. 07-1-0371, Third Circuit from \$3,000,000.00 to \$2,891,721.86;
- (6) Appropriating \$125,000.00 for the settlement in the case of Smith v. Chong, et al., Civil No. 16-00519, USDC;
- (7) Specifying that certain claims be paid from funds appropriated to the respective department or agency in section 3 of Act 49, Session Laws of Hawaii 2017, as amended by section 3 of Act 53, Session Laws of Hawaii 2018;
- (8) Changing its effective date to upon its approval; and
- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 942, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 942, H.D. 2, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Keith-Agaran and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, none.

Representatives Lee, Luke, Cullen and Thielen.

Managers on the part of the House.

Ayes, 4; Ayes with Reservations (Thielen). Noes, none. Excused, none.

# Conf. Com. Rep. 202 on H.B. No. 1383

The purpose of this measure is to:

- (1) Provide for the expungement of criminal records pertaining solely to the possession of three grams or less of marijuana;
- (2) Decriminalize the possession of three grams or less of marijuana and establish that possession of that amount is a violation punishable by a monetary fine of \$30; and

(3) Establish a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in

Your Committee on Conference has amended this measure by:

- (1) Increasing the monetary fine from \$30 to \$130;
- (2) Changing its effective date to January 11, 2020; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1383, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1383, H.D. 2, S.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Nishihara, English and Fevella.

Managers on the part of the Senate.

Ayes, 2. Noes, 1 (Fevella). Excused, 1 (Nishihara).

Representatives Lee, Luke, Morikawa, Takayama and Thielen.

Managers on the part of the House.

Ayes, 5. Noes, none. Excused, none.

## Conf. Com. Rep. 203 on H.B. No. 624

The purpose of this measure is to combine the resources, duties, and responsibilities of the Hawaii Technology Development Corporation, Hawaii Strategic Development Corporation, and a newly-established Hawaii Broadband Office to establish a new entity to be known as the Hawaii Innovation Technology and Research Corporation for the purposes of promoting, developing, and expanding Hawaii's innovation and technology industry to diversify the State's economy by supporting start-ups and existing enterprises and making the State attractive to enterprises.

Your Committee on Conference has amended this measure by:

- (1) Restoring the \$300,000 ceiling of the Technology Special Fund;
- (2) Amending appropriations and position counts for the Hawaii Technology Development Corporation for the 2019-2021 Fiscal Biennium and deleting unspecified appropriation to Hawaii Strategic Development Corporation;
- (3) Adding new appropriations for the Hawaii Technology Development Corporation for Fiscal Year 2019-2020 of:
  - (A) \$90,000 for one permanent full-time technology park coordinator position; and
  - (B) \$630,000 for a first responders technology park proof of concept;
- (4) Making the repeal of the Hawaii Strategic Development Corporation and transfer of its authority, duties, and assets effective on July 1, 2019;
- (5) Making the appropriations effective on June 28, 2019; and
- (6) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 624, H.D. 1, S.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 624, H.D. 1, S.D. 3, C.D. 1.

Signed by the Chairs and Senate President on behalf of the Committee.

Senators Wakai, Kim, Dela Cruz and Fevella.

Managers on the part of the Senate.

Ayes, 3. Noes, none. Excused, 1 (Fevella).

Representatives Woodson, McKelvey, Luke, Cullen and McDermott.

Managers on the part of the House.

Ayes, 4. Noes, none. Excused, 1 (McDermott).

## Conf. Com. Rep. 204 on S.B. No. 1197

The purpose of this measure is to appropriate funds for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (7) and their excluded counterparts.

Your Committee on Conference finds that on April 24, 2019, the Legislature received notification regarding a tentative agreement between the University of Hawaii Professional Assembly (UHPA) and the employer for collective bargaining unit (7) regarding Hawaii Employer-Union Benefits Trust Fund employer contributions. Your Committee on Conference also finds that on April 25, 2019, the Legislature received notification that ratification is expected by April 27, 2019, regarding a tentative agreement between the United Public Workers (UPW) and the employer for collective bargaining units (1) and (10). In addition, an agreement with UPW was reached regarding Hawaii Employer-Union Health Benefits Trust Fund employer contributions.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Inserting specific amounts for collective bargaining cost items for salary adjustments, other costs adjustments, and Hawaii Employer-Union Health Benefits Trust Fund costs for public employees in collective bargaining units (1), (7), and (10) and their excluded counterparts for fiscal biennium 2019-2021, pursuant to the agreements reached;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1197, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1197, S.D. 2, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Kanuha, Ihara and Fevella. Managers on the part of the Senate. Ayes, 4. Noes, none. Excused, none.

Representatives Johanson, Luke and Matsumoto. Managers on the part of the House. Ayes, 3. Noes, none. Excused, none.

#### STANDING COMMITTEE REPORTS

### SCRep. 1 Human Services on S.B. No. 231

The purpose and intent of this measure is to establish that the youth commission administrator shall administer the youth commission and appropriate funds for one full-time equivalent permanent youth commission administrator position.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Youth Services, Hawaii Youth Services Network, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Community Alliance on Prisons, Young Progressives Demanding Action – Hawaii, and one individual.

Your Committee finds that Act 106, Session Laws of Hawaii 2018 (Act 106), established a youth commission to advise the governor and legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the State. Although Act 106 also appropriated funds for a staff position to administer the youth commission, the funds appropriated were only authorized for one state fiscal year. This measure establishes and funds a youth commission administrator position to administer the youth commission, thereby establishing the staffing support necessary for the successful operation of the youth commission.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 231 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 2 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 276

The purpose and intent of this measure is to appropriate funds for the Department of Public Safety.

Your Committee received testimony in support of this measure from the Department of Public Safety and United Public Workers.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 276 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 3 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 284

The purpose and intent of this measure is to appropriate funds for the Department of Defense.

Your Committee did not receive any testimony on this measure.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 284 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

#### SCRep. 4 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 595

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Public Safety.

Your Committee received testimony in support of this measure from the Department of Public Safety and United Public Workers.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Public Safety in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee

requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 595, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 595, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 5 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 596

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Public Safety.

Your Committee received testimony in support of this measure from the Department of Public Safety and United Public Workers.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Public Safety in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by:

- (1) Changing the expending agency for the appropriation to the Department of Public Safety; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 596, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 596, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 6 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 597

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Defense.

Your Committee received testimony in support of this measure from the Department of Defense.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Defense in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 597, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 597, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

## SCRep. 7 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 598

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Defense.

Your Committee received testimony in support of this measure from the Department of Defense and Hawaii Emergency Management Agency.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Defense in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 598, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 598, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 8 Agriculture and Environment on S.B. No. 233

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Agriculture The purpose and intent of this measure is to appropriate funds for the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture, University of Hawai'i, one member of the Hawai'i County Council, and one individual.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Agriculture in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 233 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 9 (Majority) Judiciary on S.B. No. 216

The purpose and intent of this measure is to require a mandatory recount of election votes when the margin of victory is equal to or less than one-half of one percent of the total number of votes cast.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Common Cause Hawaii, and ten individuals. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that the results of recent elections highlight the need for a mandatory recount when the results of an election are very close. Your Committee further finds that a mandatory recount would promote confidence in the electoral system and potentially save time and resources of the court system. Your Committee additionally finds that mandatory recounts should be applied to all elections in which they can be of benefit.

Accordingly, your Committee has amended this measure by:

- (1) Requiring, in addition to elections for state and county offices, a mandatory recount for ballot questions that meet the threshold;
- (2) Requiring a mandatory recount of election and ballot votes when the margin of victory is equal to or less than one hundred votes or one-half of one percent of the total number of votes cast, whichever is greater;
- (3) Requiring recounts to be completed within forty-eight hours after the closing of poles on election day; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 216, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 216, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, 1 (Fevella). Excused, none.

# SCRep. 10 (Majority) Judiciary on S.B. No. 427

The purpose and intent of this measure is to establish ranked choice voting for special federal elections and special elections of vacant county seats.

Your Committee received testimony in support of this measure from the Libertarian Party of Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, FairVote Action, Common Cause Hawaii, and seven individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party and eight individuals.

Your Committee finds that special elections for federal and county council offices often involve numerous candidates and can result in situations in which a candidate wins with a plurality of votes that falls well short of a majority. Your Committee further finds that ranked choice voting ensures that elections in which a large number of candidates appear on the ballot can be won with clear majorities without the need for costly and inefficient runoff elections.

Your Committee has amended this measure by making a technical, nonsubstantive amendment to clarify that the Office of Elections may modify a ranked-choice voting ballot and tabulation.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 427, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 427, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, 1 (Fevella). Excused, none.

## SCRep. 11 (Joint) Education and Housing on S.B. No. 12

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation to develop and implement a housing voucher program for full-time teachers employed by the Department of Education or at a public charter school.

Your Committees received testimony in support of this measure from the Department of Education, State Public Charter School Commission, Hawai'i Teacher Standards Board, Special Education Advisory Council, Democratic Party of Hawai'i Education Caucus, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Rainbow Family 808, and four individuals. Your Committees received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation and one individual. Your Committees received comments on this measure from one individual.

Your Committees find that Hawaii continues to suffer from a shortage of qualified teachers and financial incentives are a key strategy for the recruitment and retention of teachers, especially since the salaries of teachers in Hawaii continue to trail the nation when adjusted for cost of living. Housing in Hawaii is expensive and contributes to the financial burden on teachers. By establishing a housing voucher program to provide housing vouchers to full-time teachers, this measure provides a financial incentive to assist teachers in attaining sustainable and stable residency and lessen the financial burden of housing.

Your Committees note that the Hawaii Housing Finance and Development Corporation may need additional support to implement the housing voucher program as specified by this measure. Additionally, your Committees believe that making the Department of Education responsible for implementing the program merits further discussion and that the Department should work and collaborate with other housing agencies that are familiar with housing voucher programs, such as the Hawaii Public Housing Authority.

As affirmed by the records of votes of the members of your Committees on Education and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 12 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Housing: Ayes, 5; Ayes with Reservations (Thielen). Noes, none. Excused, none.

### SCRep. 12 (Joint) Education and Housing on S.B. No. 586

The purpose and intent of this measure is to repeal the school impact fee exemptions for nonresidential development and housing subject to the transient accommodations tax when seeking development in a designated school impact district requiring county subdivision approval, a county building permit, or condominium property regime approval of the project.

Your Committees received testimony in support of this measure from the one member of the Maui County Council, Hawaii State Teachers Association, Democratic Party of Hawai'i Education Caucus, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Americans for Democratic Action Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from the Building Industry Association of Hawaii; JW, Inc.; Chamber of Commerce Hawaii; and NAIOP Hawaii. Your Committees received comments on this measure from the Department of Education and Tax Foundation of Hawaii.

Your Committees find that the collection of school impact fees are necessary in areas of high growth to accommodate the increase in new families and school enrollments. Traditionally, certain types of development were exempt from school impact fees. However, nonresidential development and housing subject to transient accommodations tax within these emerging communities are found to impact the pace and scale of residential development, increasing the need for more public schools. This measure ensures that as communities grow through residential and other types of development, the need for schools to be built and operate will be met.

As affirmed by the records of votes of the members of your Committees on Education and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 586 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 5. Noes, none. Excused, none. Housing: Ayes, 5. Noes, none. Excused, none.

# SCRep. 13 Agriculture and Environment on S.B. No. 491

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, one member of the Hawai'i County Council, Hawai'i Farm Bureau, Hawai'i Center for Food Safety, and one individual.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Agriculture in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by adding four budget items requested by the Department of Agriculture for purposes such as implementing the biosecurity program, supplementing the agricultural loan revolving fund, and funding food safety grants.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 491, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 491, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 14 Agriculture and Environment on S.B. No. 455

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds to the Department of Health for a study, design, engineering, and land acquisition for a wastewater treatment plant in Pahoa, Hawaii.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawaii, one member of the Hawai'i County Council, Mainstreet Pahoa Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Malama O Puna, and four individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the oldest buildings in Pahoa were built in the mid-1800s and have cesspools. The proximity of the buildings to each other leaves limited space for upgrades, conversions, or connections of cesspools. The Department of Health has identified 220 cesspools in the Kapoho area, near Pahoa on the island of Hawaii, among the cesspools in the top fourteen priority areas for upgrade or closure.

Additionally, recent volcanic activity impacted the Pahoa community in many ways. Pahoa's economy has suffered, and many businesses have closed. As the new gateway to the volcano, Pahoa expects more tourism and needs proper infrastructure to support the town and tourists.

Based on testimony, your Committee finds that in order to improve infrastructure and water quality, Pahoa needs a study, design, engineering, and land acquisition for a wastewater treatment.

Your Committee notes testimony submitted by the Department of Health indicating that while the department regulates wastewater systems, it is not the appropriate agency to fund a study, design, engineering, and land acquisition for a wastewater treatment plant for Pahoa. State law authorizes each county to construct, manage, and maintain sewers. Therefore, your Committee finds that the County of Hawai'i would be a more appropriate agency to implement this measure.

Accordingly, your Committee has amended this measure by designating the County of Hawai'i as the project lead and expending agency in lieu of the Department of Health.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 455, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 455, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

#### SCRep. 15 Agriculture and Environment on S.B. No. 485

The purpose and intent of this measure is to increase the portion of the barrel tax deposited into the agricultural development and food security special fund, which may be used to support local agricultural development statewide, including the reduction of imports that impact biosecurity.

Your Committee received testimony in support of this measure from the Department of Agriculture, one member of the Hawai'i County Council, Hawai'i Farm Bureau, Ulupono Initiative, Organizing for Action, and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the agricultural development and food security special fund was created to support critical investments in clean energy, local agricultural production, and environmental response to reduce the State's dependence on imported fossil fuels and food products. Additionally, the fund was intended to fulfill the State's vision for increased self-sufficiency and sustainability.

The agricultural development and food security special fund is an important resource that the Department of Agriculture utilizes for various activities intended to increase local agricultural production or processing; however, funding for this purpose was reallocated during the economic downturn for purposes other than increasing local food production. Considering today's economy and the State's goal to double its local food production in the near future, your Committee finds that increasing funding for the special fund is timely and critical. Your Committee recognizes that any additional monies deposited into this fund will support all local agricultural development statewide, one aspect of which would be to replace the importation of agriculture which correlates with improved biosecurity.

Your Committee notes the Department of Land and Natural Resources' concerns that the Hawaii Climate Change Mitigation and Adaptation Commission issued support for a carbon fee in the Commission's November 28, 2018, news release entitled *State Climate Commission Encourages Urgent Actions to Combat Emissions*, which references a separate report that supports an increase in the barrel tax to support clean energy and the inclusion of aviation fuel in the barrel tax. Your Committee will consider the Commission's carbon fee recommendations as this measure may also affect barrel tax allocation.

Overall, your Committee finds that supporting this measure will help implement the State's biosecurity plan, increase local food production, and increase opportunities for agricultural groups statewide.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 485 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 16 Water and Land on S.B. No. 898

The purpose and intent of this measure is to clarify the data requirements for land recordation by the Bureau of Conveyances, on land other than fee simple time share interests deregistered by the Land Court, to include a plan of the parcel and a map and description prepared by a licensed professional surveyor.

Your Committee received testimony in support of this measure from the Hawaii Land Surveyors Association and eight individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are no clear requirements or standards for the mapping and describing of deregistered lands; therefore, land owners who voluntarily deregister their property from the Land Court registration system may not be in possession of a proper map and legal description of their land. This measure seeks to amend existing land deregistration laws to ensure that deregistered lands have the proper documentation describing their original land titles, encumbrances, and rights that is expected of every other piece of land not registered in the Land Court.

Your Committee has amended this measure by:

- Inserting language to require the Assistant Registrar to refer the map and description of parcels sought to be deregistered to the State Land Surveyor for approval prior to recording the written request for deregistration, cancelling the certificate of title, and recording the plan;
- (2) Requiring the Assistant Registrar to also include the land court consolidation number in the notation of the recordation and cancellation of the certificate of title;
- (3) Requiring the Assistant Registrar to transmit notation of the recordation and cancellation to the Registrar of the Land Court in addition to the State Land Surveyor;
- (4) Deleting the requirement that every plan of deregistered land filed by the Registrar contain an order of deregistration;
- (5) Inserting a savings clause; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 898, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 898, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 17 Water and Land on S.B. No. 921

The purpose and intent of this measure is to establish in the Department of the Attorney General a division dedicated exclusively to providing legal advice regarding Hawaiian shoreline public access rights to the Governor, executive departments, boards and commissions, and the Legislature and its members.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and three individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that an understanding of the scope of public access shoreline Hawaii (PASH) rights and their relation to native Hawaiian traditional and customary rights protected under Article XII, section 7, of the Hawaii State Constitution, is critical to the fair and even-handed application of relevant law by the legal staff of the Department of the Attorney General and other government entities that are obligated to apply the law relating to PASH rights. Therefore, your Committee finds that it is proper to establish a division of deputy attorneys general with the appropriate educational background and training in the Hawaiian language and Hawaiian culture.

Your Committee has heard the concerns of the Department of the Attorney General regarding a separation of powers issue in requiring the Department of the Attorney General to request a separate line item in the budget for the division contemplated by this measure. Accordingly, your Committee has amended this measure by:

(1) Deleting the language requiring the budget line item request and instead making a direct appropriation from general revenues for fiscal year 2020-2021 for the establishment of the division;

- (2) Making the appropriation effective on July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 921, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 921, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 18 Water and Land on S.B. No. 489

The purpose and intent of this measure is to protect sharks and rays by:

- (1) Establishing fines and penalties for knowingly capturing, taking, possessing, abusing, or entangling a shark, whether alive or dead, or killing a shark, within state marine waters;
- (2) Expanding the existing prohibition on knowingly capturing or killing a manta ray to apply to all rays; and
- (3) Expanding the prohibition regarding rays to include knowingly taking, possessing, abusing, or entangling a ray, whether alive or dead, or killing a ray, within state marine waters.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Animal Rights Hawaiii, Keiko Conservation, For the Fishes, West Hawaii Humane Society, The Humane Society of the United States, Hawaii Marine Animal Response, Keiko Conservation International, One Ocean Diving, Friends of Hanauma Bay, Wipeout Crew, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, and two hundred fourteen individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that sharks and rays are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that sharks and rays play a vital historical and cultural role in Hawaii, including Native Hawaiian customary and traditional rights protected by the Hawaii State Constitution. In 2010, Hawaii became the first state in the nation to enact a prohibition on the sale of shark fins and fin products; however, the law does not prohibit the taking of whole live sharks in state waters. Your Committee finds that this loophole must be closed to protect Hawaii's valuable sharks, and manta ray protections must be expanded to include all rays.

Your Committee has amended this measure by:

- (1) Inserting language to exempt any person from the prohibitions regarding sharks if the capture, taking, possession, abuse, entanglement, or killing is the result of defense of the person's self or of another against death or bodily harm;
- (2) Inserting the Hawaiian words, hāhālua and hailepo, associated with rays; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 489, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 489, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 19 Commerce, Consumer Protection, and Health on S.B. No. 810

The purpose and intent of this measure is to:

- (1) Establish biennial requirements for forty credit hours in specified continuing medical education programs for renewal of physician assistant licenses, beginning with the renewal for the licensing biennium on February 1, 2020;
- (2) Authorize the Hawaii Medical Board to conduct random document audits to enforce compliance; and
- (3) Specify conditions for forfeiture and reinstatement of a physician assistant license.

Your Committee received testimony in support of this measure from the Hawaii Medical Board, Hawaii Medical Association, Hawaii Academy of Physician Assistants, and thirteen individuals.

Your Committee finds that the Hawaii Medical Board currently requires that physician assistants maintain certification by the National Commission on Certification of Physician Assistants for license renewal. This is overly burdensome and has contributed to the shortage of quality health care workers in the State. Your Committee further finds that the trend amongst regulatory boards is to require physician assistants to obtain only continuing medical education for license renewal. This measure brings parity between the license renewal requirements for physician assistants and physicians and requires physician assistants to submit proof of forty hours of specified continuing medical education which will ensure that compliance and quality are maintained amongst licensees.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 810 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

#### SCRep. 20 (Joint) Housing and Education on S.B. No. 303

The purpose and intent of this measure is to authorize the Department of Education and Hawaii Community Development Authority to develop programs that provide incentives to establish gardens on school campuses and within housing projects and communities.

Your Committees received testimony in support of this measure from the Department of Education, University of Hawai'i System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, American Heart Association, and four individuals. Your Committees received comments on this measure from the Department of Health and Hawai'i Farm to School Hui.

Your Committees find that garden programs have the potential to strengthen partnerships between state agencies, improve access to healthy food options, and increase consumption of locally grown fruits and vegetables by Hawaii's youth and community members. Your Committees further find that garden programs develop healthy food systems and reinforce positive nutrition behaviors that will reduce the risk for chronic diseases such as obesity, heart disease, diabetes, high blood pressure, and some cancers. Currently, eighty percent of grade six through twelve schools in Hawaii have gardens, which promotes integrated learning across educational disciplines. Therefore, your Committees believe that supporting garden programs in schools and housing projects and communities will encourage proper eating habits, support local agriculture, and foster interest in gardening among students and adults alike.

As affirmed by the records of votes of the members of your Committees on Housing and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 303 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5. Noes, none. Excused, none. Education: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 21 (Joint) Housing and Education on S.B. No. 114

The purpose and intent of this measure is to improve teacher recruitment and retention by establishing a teacher home assistance program to provide housing vouchers to full-time teachers at hard-to-fill schools and whose household income does not exceed eighty percent of the area median income.

Your Committees received testimony in support of this measure from the Department of Education, State Public Charter School Commission, Special Education Advisory Council, Hawaii State Teachers Association, Democratic Party of Hawaii Education Caucus, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and five individuals. Your Committees received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation.

Your Committees find that Hawaii continues to suffer from a shortage of qualified teachers. For the 2018-2019 school year, the State saw 1,029 vacancies, up from 1,011 in the 2017-2018 school year, and 920 in the 2016-2017 school year. Your Committees further find that teacher resignations have increased from 850 in the 2016-2017 school year to 1,114 in the 2018-2019 school year, with only 294 due to retirement. Teacher attrition is worse in high-poverty areas of the State. Your Committees additionally find that 18 out of 19 special education teachers hired in the Nanakuli-Waianae Complex Area did not have a special education license.

Your Committees find that financial incentives are a key strategy for the recruitment and retention of teachers, particularly due to teacher salaries in Hawaii trailing behind teacher salaries across the nation when adjusted for cost of living. In addition to a teacher shortage, Hawaii is facing a severe housing shortage, further exacerbating the teacher shortage. Your Committees further find that housing subsidy vouchers can be a tool to increase the Department of Education's teacher retention, especially in hard-to-fill geographic areas by taking some of the financial burden off of teachers and allowing qualified teachers to remain in Hawaii.

Your Committees acknowledge that neither the Department of Education nor the Hawaii Housing Finance and Development Corporation has experience in administering a voucher program. As such, your Committees request that the Department of Education and Hawaii Housing Finance and Development Corporation work with the Hawaii Public Housing Authority in establishing and administering a housing voucher program to provide vouchers to eligible teachers.

As affirmed by the records of votes of the members of your Committees on Housing and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 114 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5; Ayes with Reservations (Thielen). Noes, none. Excused, none. Education: Ayes, 5. Noes, none. Excused, none.

## SCRep. 22 (Joint) Housing and Education on S.B. No. 387

The purpose and intent of this measure is to:

- (1) Authorize the Hawaii Housing Finance and Development Corporation to assist the Department of Education in developing teacher housing projects;
- Authorize the Hawaii Housing Finance and Development Corporation to, in addition, contract or sponsor with any state department or agency;
- (3) Require the Department of Education to lease land and contract with private entities for the development, management, maintenance, or revitalization of teacher housing;
- (4) Permit the Department of Education to lease teacher housing to other eligible tenants if occupancy of teacher housing falls below ninety-five percent; and
- (5) Authorize the issuance of general obligation bonds and appropriate funds into and out of the dwelling unit revolving fund.

Your Committees received testimony in support of this measure from the Department of Education, Hawaii Housing Finance and Development Corporation, Special Education Advisory Council, Democratic Party of Hawai'i Education Caucus, and seven individuals

Your Committees find that Hawaii is facing two major issues: a shortage of qualified teachers and a lack of affordable housing. These two issues are not dissimilar in that the lack of affordable housing exacerbates the shortage of qualified teachers as many are leaving the State or the teaching profession in search of better pay. Your Committees further find that financial incentives are a key strategy for the recruitment and retention of teachers and that the Hawaii Housing Finance and Development Corporation currently has the necessary development tools and expertise to collaborate with other state agencies to develop affordable housing. Your Committees believe that providing assistance in the form of housing will not only make the teaching profession more attractive, but also help to lessen the financial burden of teachers currently living in Hawaii.

Your Committees have amended this measure by:

- (1) Authorizing the Hawaii Housing Finance and Development Corporation to assist in planning facilities and rental housing projects for teachers employed by public charter schools, in addition to teachers employed by the Department of Education; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 387, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 387, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5; Ayes with Reservations (Thielen). Noes, none. Excused, none. Education: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 23 (Joint) Housing and Education on S.B. No. 891

The purpose and intent of this measure is to exempt Hawaii Housing Finance and Development Corporation housing projects approved for a general excise tax exemption, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, and affordable housing projects developed by the Hawaii Public Housing Authority from school impact fee requirements.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority, Hawaiian Community Assets, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaiian Community Development, Hawaii Habitat for Humanity Association, and one individual. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii, Building Industry Association of Hawaii, and two individuals. Your Committees received comments on this measure from the Department of Education and Tax Foundation of Hawaii.

Your Committees find that there is a severe lack of affordable housing in the State, especially for those most vulnerable to the high costs of living. The Hawaii Public Housing Authority has identified fourteen redevelopment projects along the rail line for development through public-private partnerships and is in the midst of executing those projects, some of which would be subject to school impact fees. According to testimony received by your Committees, for two out of the three redevelopment projects currently being undertaken by the Hawaii Public Housing Authority, the school impact fees would be approximately \$26,300,000. The school impact fees would increase the total cost of the redevelopment and ultimately the developer fee for affordable housing. Therefore, your Committees find that lowering the cost of construction for new affordable housing units, accessory and ohana dwelling units, and alteration or expansion of existing dwelling units by exempting those units from school impact fees is a vital component in addressing the shortage of housing in Hawaii.

As affirmed by the records of votes of the members of your Committees on Housing and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 891 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5; Ayes with Reservations (Moriwaki). Noes, none. Excused, none. Education: Ayes, 5. Noes, none. Excused, none.

## SCRep. 24 Housing on S.B. No. 16

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority and United Public Workers

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Hawaii Public Housing Authority in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure as suggested by the Hawaii Public Housing Authority by inserting a description of the capital improvement project.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 16, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 16, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 25 Housing on S.B. No. 17

The purpose and intent of this measure is to appropriate funds for the Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by:

- (1) Inserting language to appropriate or authorize funds from various sources for specific programs, positions, and fringe benefits, as recommended by the Hawaii Public Housing Authority; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the items expressed in this measure to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 17, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 17, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 26 Housing on S.B. No. 14

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Hawaii Housing Finance and Development Corporation in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure as suggested by the Hawaii Housing Finance and Development Corporation by changing the appropriation amounts for the cash infusion for the rental housing revolving fund and dwelling unit revolving fund infusion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 14, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 14, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 27 Housing on S.B. No. 15

The purpose and intent of this measure is to appropriate funds for the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by:

- (1) Inserting language to appropriate, authorize, or transfer funds from various sources for specific programs, positions, and ceiling increases, as recommended by the Hawaii Housing Finance and Development Corporation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Hawaii Housing Finance and Development Corporation to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests your Committee

on Ways and Means to incorporate the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 15, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 15, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 28 Housing on S.B. No. 516

The purpose and intent of this measure is to:

- (1) Amend the definition of "eligible project loan" to allow loans to be made for certain rent-to-own housing projects;
- Require the Hawaii Housing Finance and Development Corporation to implement the homebuyers' club and rent-to-own housing programs;
- (3) Require the Hawaii Housing Finance and Development Corporation to offer housing projects exclusively to those who are Hawaii residents and owner occupants and own no other real property; and
- (4) Authorize the issuance of revenue bonds to finance housing loan programs of the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that the Hawaii Housing Finance and Development Corporation's homebuyers' club program and rent-to-own program are inactive and have been since their inception because they have not been funded and other available programs serve similar purposes. Your Committee notes that while these programs fulfill similar roles as the homebuyers' club program and rent-to-own program, some rely largely on federal approval or funding. Your Committee believes that the State needs to play a bigger role in assisting residents of Hawaii by offering more programs dedicated to purchasing a home.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 516 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 29 Commerce, Consumer Protection, and Health on S.B. No. 331

The purpose and intent of this measure is to permanently require motion picture theaters to offer open movie captioning showings at least two times per week, with at least one screening on a Saturday or Sunday, and eliminate the ability for theaters to offer personal closed captioning lightweight eyewear as a substitute for open captioning.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board; Hawai'i Civil Rights Commission; Hawai'i State Commission on the Status of Women; AMVETS Hawaii Service Foundation Corp; Aloha State Association of the Deaf; Special Education Advisory Council; Hawaii Disability Rights Center; Isle Interpret, LLC; and over seventy individuals.

Your Committee finds that the open captioning requirement in Act 39, Session Laws of Hawaii 2015 (Act 39), which required movie theaters to provide closed captioning and a minimum of two open captioned showing per week, was considered landmark legislation for the deaf and hard of hearing community. It was the first of its kind in the nation and exceeded federal Americans with Disabilities Act requirements. Your Committee finds, however, that Act 211, Session Laws of Hawaii 2017, reduced the required number of open captioned showings and effectively eliminated the open captioned showing requirement that had made the law so effective for ensuring equal access for the deaf and hard of hearing community.

Your Committee notes that this measure addresses the discriminatory effects of communication barriers at movie theaters and seeks to restore and make permanent the requirements originally contemplated by Act 39, which will enable deaf and hard of hearing consumers an equal opportunity to attend and enjoy movies in a similar manner as those who do not require open movie captioning.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 331 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Chang). Noes, none. Excused, none.

### SCRep. 30 Human Services on S.B. No. 733

The purpose and intent of this measure is to establish the felony offense of persistent nonsupport in the first degree when a person knowingly and persistently fails to provide support to a child, spouse, or other dependent to whom the person has a legal obligation of support for five years or longer, or is \$30,000 or more in arrears.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that under existing law, the offense of persistent nonsupport is a misdemeanor and only covers circumstances in which a person knowingly and persistently fails to provide legally-obligated support to a spouse, child, or other dependent. This measure therefore establishes the felony offense of persistent nonsupport in the first degree to cover more egregious situations in which a person knowingly and persistently fails to provide legally-obligated support for five years or longer, or is \$30,000 or more in arrears.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 733, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 733, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 31 Human Services on S.B. No. 214

The purpose and intent of this measure is to require the court to appoint counsel to indigent parents in foster care cases and make every effort to do so at the first hearing attended by the parent.

Your Committee received testimony in support of this measure from Hawai'i Access to Justice Commission, Lawyers for Equal Justice, National Coalition for a Civil Right to Counsel, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the Hawaii Supreme Court held in *In the Interest of T.M.*, 131 Haw. 419 (2014), that under the due process clause of the Hawaii State Constitution, indigent parents are guaranteed the right to a court-appointed counsel in termination of parental rights proceedings. Your Committee further finds that as currently written, the Hawaii Revised Statutes does not require the court to appoint counsel to indigent parents in termination of parental rights proceedings. Instead, as currently written, the appointment of counsel to indigent parents is discretionary. This measure therefore requires that the court appoint counsel to indigent parents in termination of parental rights proceedings, which will ensure that indigent parents have the right to counsel when their parental rights are in jeopardy.

Your Committee has amended this measure by:

- Removing language that would have limited the appointment of an attorney to indigent parents in parental rights proceedings to solely foster care cases; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 214, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 214, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 32 Human Services on S.B. No. 479

The purpose and intent of this measure is to:

- (1) Require a finding that denial of reasonable grandparent visitation rights would cause significant harm to the child as a condition of awarding grandparent visitation rights;
- (2) Clarify procedures for an order awarding reasonable grandparent visitation rights; and
- (3) Specify that a violation of the terms and conditions of the order is punishable as contempt of court.

Your Committee received testimony in support of this measure from seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that grandparents are taking on increasing responsibilities in helping to raise their grandchildren, especially when the children's parents are unable or unwilling to do so as a result of a lack of financial self-sufficiency, mental disorder, substance abuse, or incarceration. Grandparents may foster a child's healthy emotional and psychological development, and positively influence a child's well-being.

Your Committee further finds that the current version of section 571-46.3, Hawaii Revised Statutes, was held unconstitutional by the Hawaii Supreme Court in *Doe v. Doe*, 116 Haw. 323 (2007). The Supreme Court in *Doe* ruled that section 571-46.3, Hawaii Revised Statutes, was unconstitutional because it did not require the grandparent who was petitioning for visitation to show that the denial of visitation would cause significant harm to the child. This measure therefore cures the constitutional concerns of section 571-46.3, Hawaii Revised Statutes, and clarifies the Legislature's intent to recognize the special role grandparents play in the lives of children by allowing the court to award visitation to a grandparent if the court finds that denial of reasonable visitation rights would cause significant harm to the child.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 479 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 33 Agriculture and Environment on S.B. No. 759

The purpose and intent of this measure is to establish and appropriate funds for a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the County of Hawaii.

Your Committee received testimony in support of this measure from the Department of Agriculture; one member of the Hawai'i County Council; County of Hawai'i Office of the Prosecuting Attorney; Maui County Farm Bureau; Young Brothers, LLC; Hawai'i Farm Bureau; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Neighborhood Watch Hawaii Island; and four individuals. Your Committee received testimony in opposition to this measure from We Are One, Inc.

Your Committee finds that agricultural theft and vandalism in the County of Hawaii is not only an impediment to running a successful and profitable farming operation but can also prove harmful to consumers. It is hard to ensure product safety if stolen produce makes its way back to the consumer market. Agricultural vandalism and theft in the County of Hawaii includes theft of seasonal fruit, including coffee, avocados, lychee, rambutan, noni, and more. This vandalism and theft has resulted in economic hardships for farmers and their families.

Your Committee notes that the Department of Agriculture has entered into a two-year contract with the County of Hawai'i Office of the Prosecuting Attorney for one investigator to conduct agricultural theft and agricultural vandalism investigations. This has been a very valuable and productive project with the limited staff performing investigations and outreach with farmers, law enforcement, and at farmers' markets.

Your Committee finds that this pilot project will provide enforcement officers with the ability to concentrate on agricultural issues as the police department does not have the capacity to devote a police officer exclusively to investigate agricultural crimes. Approving this project will help protect Hawaii's agricultural industry, ensure the food safety of local products, support local farmers and growers, and allow farmers to focus on safe farming techniques and producing high quality products instead of focusing on the security of their crops.

Your Committee further finds that the County of Maui experiences similar theft and vandalism and should be included in the pilot project in partnership with the County of Hawaii to share the limited resources proposed in this measure.

Your Committee has amended this measure by:

- (1) Adding the County of Maui to the two-year agricultural theft and vandalism pilot project to partner with the Department of Agriculture and County of Hawaii to share the resources appropriated; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 759, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 759, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 34 Agriculture and Environment on S.B. No. 753

The purpose and intent of this measure is to appropriate funds for operational expenses to revitalize the aquaculture development program.

Your Committee received testimony in support of this measure from Department of Agriculture, Land Use Research Foundation of Hawai'i, Maui County Farm Bureau, Hawaii Aquaculture & Aquaponics Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Farm Bureau, and nine individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that the aquaculture development program played a large part in creating an industry that, starting from almost zero in the 1970s, now generates more than \$70,000,000 annually and was an innovative program that assisted prospective farmers, investors, and technology companies in many ways, including providing technical assistance, help with site selection and permitting, and product and services marketing. However, despite its success, the aquaculture development program has been reduced in staff and function and was folded into the Animal Industries Division of the Department of Agriculture. The aquaculture development program continues to be downsized due to a lack of funding.

Your Committee further finds that aquaculture is poised to make a significant contribution to the Governor's goal of doubling local food production. Dedicated funds will allow for investment in foundational infrastructure and research, including helping farmers use research-based knowledge, achieving greater benefits for the Hawaii economy, providing healthy seafood for local markets and export, generating jobs, complementing tourism, and maintaining rural communities.

Your Committee finds that appropriating \$500,000 to the Department of Agriculture for the purpose of revitalizing the aquaculture development program through, for example, increased staffing, information dissemination to the aquaculture industry, assistance with siting and permitting, and aquatic disease prevention services, is consistent with the purpose and intent of this measure.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$500,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 753, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 753, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 35 Agriculture and Environment on S.B. No. 519

The purpose and intent of this measure is to require and appropriate funds for the Department of Agriculture to establish a food safety certification training program to help small and medium sized farms obtain Good Agricultural Practices certification.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources, Hawaii Food Industry Association, Bayer, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, North Shore Economic Vitality Partnership, Hawaii Farm Bureau, Organizing for Action, Hawaii Agriculture Research Center, and five individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that small farms in Hawaii face many challenges, including the financial and administrative burden of meeting state and federal regulations. The establishment of a food safety certification training program will provide direct implementation assistance to small and medium sized farms to obtain a U.S. Department of Agriculture (USDA) Good Agricultural Practices (GAP) certification, which will help get more safe, local Hawaii produce in the hands of Hawaii consumers. USDA GAP certification confirms that a farm is committed to the highest standard of produce safety and freshness and is an important first step toward full compliance with the federal Food Safety and Modernization Act.

Your Committee recognizes that currently the cost of federal GAP certification is too high for many farmers, which is partly due to the fact that many farmers need to pay someone from the mainland to certify Hawaii farmers. This measure provides resources to train local certifiers and will help ensure that local businesses continue to modernize and follow national standards.

Your Committee additionally finds that the Department of Agriculture currently works in partnership with the University of Hawai'i College of Tropical Agriculture and Human Resources, which coaches and trains farmers to comply with federal regulations. Your Committee notes that the Department of Agriculture requests that the College of Tropical Agriculture and Human Resources implement this project and be the expending agency since the college currently performs similar work on a smaller scale.

Your Committee has amended this measure by:

- (1) Making the University of Hawai'i College of Tropical Agriculture and Human Resources the expending agency for the appropriation to implement a food safety certification training program; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 519, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 519, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 36 Agriculture and Environment on S.B. No. 223

The purpose and intent of this measure is to add positions to the Department of Agriculture's Agricultural Resource Management Division, direct funding to the East Kauai Water Users' Cooperative for the East Kauai irrigation system, and add funding to increase state irrigation system capacity statewide.

Your Committee received testimony in support of this measure from the Department of Agriculture; Larry Jefts Farms, LLC; Saiva Siddhanta Church; Kalepa Koalition; East Kauai Water Users' Cooperative; Hawai'i Farm Bureau; and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the irrigation system in East Kauai has been operated by volunteer farmers for many years. The East Kauai Water Users' Cooperative (Cooperative) has managed the state-owned reservoir and ditch system in the Kapaa/Kalepa area for the past seventeen years under a year-to-year revocable permit from the Department of Land and Natural Resources (DLNR). In September 2016, the Cooperative was informed by DLNR that the Cooperative must obtain a long-term water lease within three years, which includes a costly Environmental Impact Statement that exceeds the Cooperative's monetary resources. Once the three-year ultimatum expires in early 2020, DLNR will no longer renew the irrigation system's revocable permit, the Cooperative will have to cease operations, and the irrigation system, including the recently renovated Wailua and Upper Kapahi reservoirs, will revert to DLNR control and possibly face abandonment.

Your Committee recognizes that there is a need for continued irrigation access, which also supports the State's goal of doubling local food production. Thus, your Committee finds that appropriating funds to the Department of Agriculture to add positions, support the East Kauai irrigation system, and increase irrigation system capacity statewide fulfills the need for continued irrigation access and related support.

Pursuant to testimony submitted by the Department of the Attorney General, your Committee has amended this measure by changing the funding lapse date from June 30, 2024, to June 30, 2022, to ensure that issued government obligation bonds lapse in three years in accord with the state constitution.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 223, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 223, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 37 Higher Education on S.B. No. 319

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the University of Hawaii.

Your Committee received testimony in support of this measure from the University of Hawai'i System and one individual.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the University of Hawaii in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 319 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 38 Higher Education on S.B. No. 457

The purpose and intent of this measure is to:

- (1) Appropriate funds for a post-secondary distance learning center in the Puna district within Hawaii Community College; and
- (2) Require the University of Hawaii to submit a report on the Puna distance learning center to the Legislature.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i.

Your Committee finds that a critical need exists to strengthen rural outreach, education, and economic development in Puna, one of the most underserved areas in the State and the fastest growing district on the island of Hawaii. Your Committee further finds that distance learning opportunities through the University of Hawaii System are currently providing valuable benefits to students throughout Hawaii, and distance learning has the potential to provide immeasurable benefits to residents in Puna.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 457 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 39 Higher Education on S.B. No. 907

The purpose and intent of this measure is to require the University of Hawaii to establish a free application day for prospective students who qualify for Hawaii resident tuition.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that to remain competitive in the global economy, Hawaii students should be encouraged to pursue a post-secondary certificate or degree. However, many are discouraged from applying to post-secondary institutions because of the costs associated with application fees. This measure encourages students to submit at least one post-secondary application and file a Free Application for Federal Student Aid.

Your Committee has amended this measure by:

- Specifying that the free application day established by the University of Hawaii shall be a two-year pilot project, rather than an annual offering; and
- (2) Specifying that the University of Hawaii shall be responsible for selecting the day to offer the free application day.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 907, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 907, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 40 Hawaiian Affairs on S.B. No. 282

The purpose and intent of this measure is to appropriate funds for the Department of Hawaiian Home Lands.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, O'ahu Council of the Association of Hawaiian Civic Clubs, Kalamaula Homesteaders Association, Hawaii Homes Connection Corp., and six individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 282 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

# SCRep. 41 Higher Education on S.B. No. 928

The purpose and intent of this measure is to propose 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.

Your Committee did not receive any testimony on this measure.

Your Committee finds that it is appropriate to reassess and seriously consider making significant changes to the appointment process for the Board of Regents of the University of Hawaii to increase the Governor's ability to appoint qualified individuals to serve as Regents and effectively lead the University of Hawaii System. This measure will allow voters to consider whether the Candidate Advisory Council should no longer be constitutionally mandated and authorize the Governor to make appointments as provided by law.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 928 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 42 Higher Education on S.B. No. 671

The purpose and intent of this measure is to exempt students in post-secondary education programs from immunization requirements if they attend classes exclusively online or through distance learning.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Health, Chaminade University of Honolulu, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from Hawaii For Informed Consent and one individual.

Your Committee finds that colleges and universities are increasing the number of courses and programs offered online. Because methods of educational delivery are changing, certain requirements that have been traditionally imposed on students, such as immunizations, may not always apply in the same manner as they do for traditional classroom instruction. Your Committee further finds that the Department of Health is currently proposing a rule change to exempt post-secondary students in online or distance-learning programs who do not attend classes in person from the current immunization requirements. However, the proposed rule change may not be adopted in time for the fall 2019 classes. This measure provides an exemption for those students immediately and without the proposed rule change by the Department of Health.

Your Committee has amended this measure by:

- (1) Making the exemption regarding immunization requirements permanent by deleting language that would have repealed this measure upon the adoption of amendments to the administrative rules by the Department of Health; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 671, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 671, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 43 Higher Education on S.B. No. 919

The purpose and intent of this measure is to amend the composition of the Board of Regents of the University of Hawaii by reducing the number of board members from fifteen members to seven members and shortening term lengths from five years to three years.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs.

Your Committee finds that the affairs of the University of Hawaii fall under the general management and control of the Board of Regents. The Board formulates policy and exercises control over the university through its executive officer, the President of the university, and has exclusive jurisdiction over the internal structure, management, and operation of the university. However, your Committee also finds that certain matters of the University of Hawaii are matters of statewide concern as contemplated under Article X, Section 6, of the Hawaii State Constitution.

Your Committee further finds that the University of Hawaii and the State are best served by reassessing and seriously considering making significant changes to the composition and responsibilities of the Board of Regents to ensure accountability and transparency for the university, its students, and the public.

Your Committee has amended this measure by:

- (1) Amending the composition of the Board of Regents of the University of Hawaii by:
  - (A) Increasing the number of board members from seven members to nine members;
  - (B) Removing the at-large member from the Board;
  - (C) Restoring the number of board members from the County of Hawaii to two members and specifying that, of the two members, one member shall be from east Hawaii and one member shall be from west Hawaii;
  - (D) Increasing the number of board members from the City and County of Honolulu from two members to four members, of which two members shall represent and reside in the first congressional district and the other two members shall represent and reside in the second congressional district; and
  - (E) Requiring that at least one member of the Board shall have demonstrated expertise in native Hawaiian traditional and customary practices;
- Requiring the Board of Regents to hold the President of the University of Hawaii and university administration accountable for decisions, actions, and leases that incur additional costs to the university;
- (3) Increasing the term length of board members from three years to four years;
- (4) Specifying that a member of the Board of Regents whose term has expired and continues to serve on the Board as a holdover member shall not serve as a member of the Board beyond the end of the first regular legislative session following the expiration of the member's term;
- (5) Specifying that no law or rule shall prohibit discussions between one or more members of the Board of Regents and members of the Legislature; and
- (6) Specifying that no member of the Board of Regents shall be required to seek permission prior to engaging in any discussions with members of the Legislature.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 919, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 919, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 44 (Majority) Agriculture and Environment on S.B. No. 451

The purpose and intent of this measure is to allow consumers to obtain unpasteurized milk through herdshare agreements, which are private contractual agreements.

Your Committee received testimony in support of this measure from Cloudwater Farm, LLC; and eight individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Department of Agriculture and South Mountain Ranch LLC.

Your Committee finds that at least thirty-five states permit some form of sale or distribution of unpasteurized cow, sheep, or goat milk for human consumption, twelve of which permit the sale of unpasteurized milk in retail stores. Recently, demand for local products has increased, including the demand for locally-produced dairy products. Many small local farms have the capability and desire to offer unpasteurized dairy products to consumers that seek locally-produced, unpasteurized dairy products.

This measure prohibits consumers from selling unpasteurized milk or milk products obtained through a herdshare agreement and producers from publishing any statement pertaining to an endorsement by the Department of Health.

Your Committee heard testimony from the Department of Health on its adamant opposition to this measure from a public health standpoint. Your Committee further acknowledges that there is controversy surrounding the potential sale of raw milk as a business matter and its potential negative health effects. Nonetheless, your Committee finds that this measure should move forward for further discussion at this time.

Your Committee has amended this measure by adding the term "water buffalo" to the definition of a dairy animal to include unpasteurized water buffalo milk products in the subject of this measure.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 451, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 451, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, 1 (Rhoads). Excused, none.

## SCRep. 45 Agriculture and Environment on S.B. No. 235

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health, one member of the Hawai'i County Council, and Friends of Hanauma Bay.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Health in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 235 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 46 Agriculture and Environment on S.B. No. 375

The purpose and intent of this measure is to require the Department of Agriculture, in cooperation with the Office of the Governor, to develop a strategic plan to achieve the Governor's goal of doubling food production and increasing food exports by 2020.

Your Committee received testimony in support of this measure from the Department of Agriculture; University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources; North Shore Economic Vitality Partnership; Bee Kind Apiary, LLC; We Are One, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Organic Farming Association; Hawai'i Farm Bureau; Organizing for Action; and fourteen individuals. Your Committee received testimony in opposition to this measure from one member of the Hawai'i County Council.

Your Committee finds that Hawaii imports upwards of eighty-five percent of the food it consumes. Your Committee also finds that replacing just ten percent of the food Hawaii currently imports would retain approximately \$313,000,000 in the State and generate more than two thousand three hundred jobs.

Your Committee further finds that the Governor's deadline of doubling local food production by 2020 is quickly approaching. However, details on how to achieve this objective have yet to be identified. Issues such as preserving agricultural land, identifying food crops for local production, improving irrigation and agricultural infrastructure, and complying with the federal Food Safety and Modernization Act, need to be addressed in order to double local food production.

Your Committee heard testimony in opposition to this measure that highlights 2020 as too soon a deadline by which to double local food production. Your Committee agrees and, hence, finds that a deadline of 2030 for the purposes of this measure is more achievable.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$500,000 for fiscal year 2019-2020;
- (2) Changing the deadline for the goal of doubling local food production from 2020 to 2030;
- (3) Updating the purpose Section accordingly; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 375, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 375, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 47 Agriculture and Environment on S.B. No. 760

The purpose and intent of this measure is to amend the important agricultural land qualified agricultural cost tax credit to include as "qualified agricultural costs" measures to improve, enhance, and restore former plantation lands for agricultural use.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i Farm Bureau, Hawaii Agriculture Research Center, and three individuals. Your Committee received comments on this measure from the Department of Taxation, Department of Agriculture, and Office of Planning.

Your Committee finds that Act 183, Session Laws of Hawaii 2005, provided for the designation of important agricultural lands and directed the Department of Agriculture to develop a program of incentives to promote agricultural viability. The incentives program developed for important agricultural lands included a tax credit for "qualified agricultural costs" such as costs incurred for feasibility studies, plans, and design of facilities and infrastructure, equipment for agricultural purposes, and regulatory processing and consulting services. However, this incentive program did not include any incentive for the conservation and protection of agricultural lands. This measure would expand the eligible costs for the important agricultural land qualified agricultural cost tax credit to include expenditures to improve, enhance, and restore former plantation lands used primarily for agricultural purposes.

Your Committee has amended this measure by specifying that the important agricultural land qualified agricultural cost tax credit shall apply only to former plantation lands that were used solely for agricultural uses and activities.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 760, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 760, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 48 Government Operations on S.B. No. 141

The purpose and intent of this measure is to:

- Specify that disclosure of communications by an agency to the Ombudsman does not waive any existing attorney-client or attorney work-product privilege pertaining to those communications; and
- (2) Prohibit the Ombudsman from disclosing privileged communications to others.

Your Committee received testimony in support of this measure from the Office of the Ombudsman.

Your Committee finds that under existing law, the Ombudsman is authorized to receive information relating to an investigation and is required to maintain secrecy of all matters obtained in an investigation. However, agencies have declined to provide information to the Ombudsman for fear of waiving the agencies' attorney-client privilege or attorney work-product privilege. Without the ability to obtain all relevant information from the agencies, the Ombudsman is unable to conduct a thorough investigation. This measure allows agencies to freely disclose information to the ombudsman without waiving the agencies' attorney-client privilege and attorney work-product privilege, which will enable the Office of the Ombudsman to obtain information necessary to conduct thorough and complex investigations and give agencies the peace of mind that the Ombudsman will not disclose any privileged communications.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 141 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 49 Energy, Economic Development, and Tourism on S.B. No. 33

The purpose and intent of this measure is to amend the law relating to economic development.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language to repeal the annual \$35,000,000 rolling cap for the motion picture, digital media, and film production income tax credit.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 33, as amended herein, and recommends that it be recommitted to your Committee on Energy, Economic Development, and Tourism, in the form attached hereto as S.B. No. 33, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 50 Technology on S.B. No. 219

The purpose and intent of this measure is to require the Chief Information Officer, in conjunction with the Information Technology Steering Committee, to review, refresh, and submit the State Information Technology Strategic Plan every four years.

Your Committee received testimony in support of this measure from the Department of Education, Office of Enterprise Technology Services, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Transform Hawai'i Government.

Your Committee finds that periodic updates to the State Information Technology Strategic Plan are vital to keeping abreast with ever-evolving technology and to fully maximizing available modern resources to increase effectiveness, efficiency, and transparency in state government. This measure requires such an update to occur every four years.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 219 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 51 Agriculture and Environment on S.B. No. 1151

The purpose and intent of this measure is to increase the amount of state funds that the Chairperson of the Board of Agriculture may approve for any agricultural and aquacultural loan applicant.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawai'i Farm Bureau, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Hawaii Cattlemen's Council.

Your Committee finds that the current agricultural and aquacultural loan cap of \$25,000 has not been updated since the 1980s. Your Committee recognizes that business costs have increased since then.

Your Committee further finds that this measure would provide greater assistance to farmers through the availability of state loans of up to \$100,000. Your Committee also notes that the Department of Agriculture has indicated this measure will enable the Department to respond more quickly to assist applicants during times of emergency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1151 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

#### SCRep. 52 Agriculture and Environment on S.B. No. 1242

The purpose and intent of this measure is to update the Department of Health's solid waste management goals to align with the Aloha+ Challenge goal to reduce total solid waste prior to disposal by seventy percent by 2030.

Your Committee received testimony in support of this measure from the Department of Health, City and County of Honolulu Department of Environmental Services, Sierra Club of Hawai'i, and the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that updating the State's total solid waste goals to comport with the Aloha+ Challenge goals supports best management practices for sustainability and protecting the environment. Your Committee further finds that reducing total solid waste prior to disposal helps restore, preserve, and protect Hawaii's native ecosystems today and for many generations to come.

Your Committee has amended this measure by:

- (1) Adding 2030 as the date by which the State should reduce its total solid waste prior to disposal by seventy percent; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1242, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1242, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 53 Agriculture and Environment on S.B. No. 234

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health, one member of the Hawai'i County Council, and the City and County of Honolulu Board of Water Supply.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Health in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by changing references to the "safe drinking water revolving fund" to the "drinking water treatment revolving loan fund" in sections 3 and 4.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 234, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 54 Agriculture and Environment on S.B. No. 651

The purpose and intent of this measure is to expand opportunities for certain entities, including farmers, to obtain investment capital for their operations and be eligible for a non-agricultural park lease by:

- (1) Inserting a definition of "bona fide farmer" that applies to the non-agricultural park lands program; and
- (2) Exempting individual members, trustees, officers, and stockholders of certain entities from the required individual qualifications of a "bona fide farmer".

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, Hawai'i Farm Bureau, Hawaii Aquaculture & Aquaponics Association, Ponoholo Ranch Limited, and three individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the Department of Agriculture's non-agricultural park lands program supports new and bona fide farmers, among others, who are generally farmers engaged in diversified agriculture on smaller parcels, in gaining a foothold in the agricultural industry. However, these technologies often require high investments of capital that farmers are often unable to access alone. By partnering with investors or establishing partnerships with others who have access to capital, farmers may be able to invest in these technologies and other capital necessary to establish and grow their businesses.

Your Committee further finds that this measure allows for some investors, such as members of agricultural cooperatives, to invest in local food production and technology by expanding the definition of a "bona fide farmer". However, your Committee expressed concerns that this measure, as written, could create loopholes to allow corporations, some of which have no members who meet certain qualifications regarding farming, to qualify for non-agricultural park leases.

In order to ensure that this measure does not have unintended consequences, your Committee has amended this measure by:

- (1) Deleting language that proposed a new definition of "bona fide farmer" to apply to the non-agricultural park lands program;
- (2) Deleting language that would have exempted individual members, trustees, officers, and stockholders of certain entities from the required individual qualifications of a "bona fide farmer";
- (3) Inserting language to allow the Board of Agriculture to decide on a case-by-case basis the eligibility of an entity seeking a non-agricultural park lease to construct and operate an agricultural or aquacultural facility requiring more than \$500,000 in acquisition costs;
- (4) Establishing certain conditions and qualifications that must be met in order for the Board of Agriculture to deem the entity eligible for a lease; and
- (5) Adding a sunset date of June 30, 2024; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 651, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 651, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

#### SCRep. 55 Agriculture and Environment on S.B. No. 1149

The purpose and intent of this measure is to appropriate funds to establish a pilot program to identify efficient foreign agriculture small equipment and retrofit engines to comply with Environmental Protection Agency standard regulations.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawaii Crop Improvement Association, Land Use Research Foundation of Hawaii, Maui County Farm Bureau, Hawaii Farm Bureau, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, Ulupono Initiative, Hawaii Floriculture and Nursery Association, and seven individuals.

Your Committee finds that as the demand for unskilled labor increases, farmers and ranchers continue to search for alternative ways to operate their farms through technology, such as small equipment tractors from Japan. According to the United States Environmental Protection Agency, small equipment engines from foreign countries like Japan do not comply with standard regulations.

Your Committee further finds that appropriating funds to establish a pilot program to identify efficient foreign agricultural small equipment and retrofit engines to comply with Environmental Protection Agency standard regulations can aid local farmers and ranchers identify and import advantageous small equipment.

Your Committee has amended this measure by inserting an appropriation amount of \$500,000 for the pilot program.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1149, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1149, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 56 Agriculture and Environment on S.B. No. 837

The purpose and intent of this measure is to encourage and support the growth of new, small, and diversified farming businesses by creating an exclusion from income tax for the lesser of fifty-one percent or \$50,000 of gross annual income earned for such businesses.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; Hawaii Coffee Association; We Are One, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawai'i Farm Bureau; and six individuals. Your Committee received comments on this measure from Department of Taxation, Department of Agriculture, and the Tax Foundation of Hawaii.

Your Committee finds that Hawaii imports far more goods and services than it exports. Your Committee additionally notes that the growth of small, diversified farming businesses will add to and diversify Hawaii's economy and encourage more local food production. A partial tax exclusion for such businesses will not significantly affect existing tax revenue collected by the State but will strengthen the State's economy and improve the long-term economic well-being of the State as a whole.

Your Committee further finds that by creating an exclusion from income tax for the lesser of fifty-one percent or \$50,000 of gross annual income earned for such businesses, this measure will help Hawaii address the imbalance in agricultural trade and significantly expand food production in the State.

Your Committee has amended this measure by:

- (1) Improving and tightening the definition of a "farmer" and adding a definition of "farm products", as recommended by the Department of Agriculture;
- (2) Postponing its application to taxable years after December 31, 2019, as recommended by the Department of Taxation; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 837, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 837, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 57 Agriculture and Environment on S.B. No. 1150

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture in its efforts to reduce the population of feral pigs.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Agribusiness Development Corporation, Hawaii Crop Improvement Association, Land Use Research Foundation of Hawaii, Hawaii Cattlemen's Council, Maui County Farm Bureau, Hawaii Farm Bureau, and nine individuals.

Your Committee finds that the feral pig population has been particularly damaging on farms and ranches statewide, where their numbers have been growing exponentially. Your Committee also notes that feral pigs pose a significant threat to local economies by destroying agricultural crops and livestock, damaging Hawaii's ecology by invasive seed dispersal and competition with native wildlife, and posing a threat to human health and safety.

Your Committee further finds that appropriating funds to the Department of Agriculture to provide grants for fencing and corral traps, and to introduce a program to reduce feral pig populations, will help protect the land and agricultural communities.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$1,000,000; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1150, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1150, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 58 Human Services on S.B. No. 574

The purpose and intent of this measure is to establish that every judgment for child support is enforceable until paid in full.

Your Committee did not receive any testimony on this measure.

Your Committee finds that existing law allows people who owe child support to be absolved of their obligation once the child turns thirty-three or ten years after a judgment for the child support was rendered, whatever date is later. As such, existing law allows the judgment for child support to be presumed paid or discharged after a certain period of time. This measure therefore establishes that every judgment for child support is enforceable until paid in full, which will ensure that people are not able to evade their child support obligations merely by the passage of time.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 574 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 59 (Majority) Education on S.B. No. 340

The purpose and intent of this measure is to amend the Board of Education's membership by inviting the exclusive representative for bargaining unit (5) to appoint a nonvoting public school teacher representative to the Board.

Your Committee received testimony in support of this measure from Hawai'i Teacher Standards Board, Hawaii State Teachers Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the League of Women Voters of Hawaii.

Your Committee finds that the Board of Education, consisting of nine members and none of whom are required to be public school teachers, is given the power to formulate statewide educational policy. As such, the appointment of a current public school teacher, as a nonvoting member, to the Board will provide first-hand experience and expertise on the educational climate in Hawaii's public schools and explain the resources teachers need to help Hawaii's students. Additionally, this measure provides the Board with insight into current and proposed educational practices and policies and the effects of those practices and policies on teachers, students, and the community.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 340 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, 1 (Kim). Excused, none.

#### SCRep. 60 Education on S.B. No. 37

The purpose and intent of this measure is to amend the law relating to public libraries.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language that appropriates funds for operating expenses of the Hawaii State Public Library System.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii State Public Library System.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 37, as amended herein, and recommends that it be recommitted to your Committee on Education, in the form attached hereto as S.B. No. 37, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 61 Education on S.B. No. 338

The purpose and intent of this measure is to appropriate funds for capital improvement projects for Mililani Middle School.

Your Committee received testimony in support of this measure from the Department of Education and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that many of the public school facilities in the State are in need of repair or renovation. This measure appropriates funds for capital improvement projects at Mililani Middle School for plans, design, construction, and equipment for various projects, including the widening of campus-wide sidewalks, waterproofing a covered play court wall, making building F drainage improvements, replacing flooring in portable classrooms one to four, and resurfacing a bus lane and campus access road.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 338 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 62 Education on S.B. No. 1128

The purpose and intent of this measure is to appropriate funds for a capital improvement project for Leilehua High School.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that many of the public school facilities in the State are in need of repair or renovation. This measure appropriates funds for a capital improvement project at Leilehua High School for the stadium and football field, including the stadium field turf and synthetic track surface, restrooms, concession stands, and announcer booth; ground and site improvements; and equipment and appurtenances.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1128 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 63 Education on S.B. No. 339

The purpose and intent of this measure is to appropriate funds for capital improvement projects for Waipahu High School.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that many of the public school facilities in the State are in need of repair or renovation. This measure appropriates funds for capital improvement projects at Waipahu High School for the construction of a new integrated academic classroom building, a campus-wide re-keying project, and phase two of Waipahu High School campus painting.

Your Committee has amended this measure by:

- (1) Increasing the appropriation amount for fiscal year 2019-2020 from \$4,500,000 to \$5,500,000 for phase one of the new integrated academic classroom building project;
- (2) Decreasing the appropriation amount for fiscal year 2019-2020 from \$15,500,000 to \$14,500,000 for phase two of the new integrated academic classroom building project; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 339, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 64 Education on S.B. No. 592

The purpose and intent of this measure is to limit the State Librarian's salary to ninety percent of the Superintendent of Education's salary.

Your Committee received testimony in support of this measure from the Board of Education.

Your Committee finds that existing law authorizes the Board of Education to set the salary of the State Librarian as long as the salary does not exceed a specific amount. The State Librarian's current salary cap is \$120,000 per year, which was last updated in 2001. Your Committee further finds that in order to promote greater equity, the salary of the State Librarian should be capped based on a percentage of the salary of the Superintendent of Education, who, like the State Librarian, falls under the purview of the Board of Education

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 592 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 65 Education on S.B. No. 78

The purpose and intent of this measure is to require and appropriate funds for the Department of Education to contract with a firm that specializes in school finance to study the adequacy of education funding in Hawaii.

Your Committee received testimony in support of this measure from the Department of Education and Hawaii State Teachers Association.

Your Committee finds that adequate funding is crucial to providing each of Hawaii's children with a high-quality educational opportunity. Yet, some studies found that education funding in Hawaii may be lagging in comparison to districts of similar size and cost of living. Insufficient education funding results in higher class sizes, a lack of adequate classroom supplies, elimination of arts and career and technical education courses, budget cuts for special education and English language learner programs, and an increasing number of vacant teacher positions. This measure will help provide a better understanding of the amount of funding necessary to support student learning in order to prepare children to meet the social and economic demands of the twenty-first century.

Your Committee has amended this measure by:

- Providing the Department of Education additional time to submit a copy of the study, as well as a report of its findings and recommendations, to the Legislature by extending the due date to twenty days prior to the convening of the Regular Session of 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 78, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 78, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 66 Education on S.B. No. 283

The purpose and intent of this measure is to appropriate funds for the Department of Education.

Your Committee received comments on this measure from the Department of Education and one individual.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 283 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 67 Education on S.B. No. 376

The purpose and intent of this measure is to allow students to enroll in career and technical education programs in schools outside the Department of Education service area in which the student resides.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that educational programs specializing in career readiness and technical skills can be effective in preparing students in Hawaii to enter the State's job market. Educational initiatives at schools within the State have been established to develop students' technical skills and prepare them to enter the workforce. However, not all schools offer the same career and technical skills education and there is currently no easy mechanism to allow a student access to these educational opportunities outside of the service area in which they reside. This measure increases access to these programs to ensure that students may gain the necessary skills and experiences that employers in the State are seeking.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 376 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 68 Education on S.B. No. 84

The purpose and intent of this measure is to appropriate funds for a Board of Education Analyst II.

Your Committee received testimony in support of this measure from the Board of Education.

Your Committee finds that the Board of Education's current support office consists of three permanent positions and one temporary position. Over the past few years, the duties of the Board's support office have increased along with the Board's initiatives, including evening meetings, processes to improve transparency and accessibility, a more comprehensive evaluation of the Superintendent of Education, and initiatives to implement a system for multiple charter school authorizers. As a result, there is a need for a position requiring data and evaluation expertise. This measure provides the Board's support office with the capacity and expertise to adequately support the Board in its current and planned endeavors.

Your Committee has amended this measure by specifying an appropriation amount of \$90,398 for fiscal year 2020-2021 for the one full-time equivalent position (1.0 FTE) for a Board of Education Analyst II.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 84, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 84, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 69 Higher Education on S.B. No. 44

The purpose and intent of this measure is to amend the law relating to higher education.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language that:

- Specifies that the Attorney General shall represent the University of Hawaii in any litigation, render legal counsel to the university, and draft legal documents for the university;
- (2) Repeals the authority of the Board of Regents of the University of Hawaii to appoint or retain general counsel independent of the Attorney General to provide legal services for the university;
- (3) Repeals the general counsel of the University of Hawaii; and

(4) Appropriates funds to the Department of the Attorney General.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 44, as amended herein, and recommends that it be recommitted to your Committee on Higher Education, in the form attached hereto as S.B. No. 44, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 70 Agriculture and Environment on S.B. No. 1306

The purpose and intent of this measure is to appropriate funds to the Agribusiness Development Corporation for the purpose of purchasing a Kunia Dow DuPont Pioneer Land parcel.

Your Committee received testimony in support of this measure from the Agribusiness Development Corporation, Hawai'i Farm Bureau, and Hawaii Agriculture Research Center.

Your Committee finds that Kunia Dow DuPont Pioneer Land: tax map key number (1)9-2-001:por11 encompasses 282 acres on Oahu and has existing facilities that can be repurposed, a baseyard, and greenhouse infrastructure. Your Committee further finds that this parcel, if acquired by the Agribusiness Development Corporation, will have multiple purposes, which may include Department of Agriculture animal and plant industry activities, research and development projects, and commercial agriculture.

Your Committee also notes that land availability and long-term leases at affordable and predictable lease rental rates are critical to the economic viability of Hawaii's agriculture industry. Accordingly, your Committee finds that this acquisition of prime agricultural land in Kunia will increase the agricultural land available for the State to provide farmers with long-term leases at affordable and predictable rates that will enhance Hawaii's agricultural industry.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1306 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 71 (Majority) Agriculture and Environment on S.B. No. 869

The purpose and intent of this measure is to require the Department of Agriculture to inspect and certify all Hawaii-grown green coffee beans in shipments of 100 pounds or less for grade and origin to ensure the quality and source of the coffee beans and help prevent fraud.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; Hawaii Coffee Association; Greenwell Farms, Inc.; Hawai'i Farm Bureau; Hawaii Coffee Growers Association; and two individuals. Your Committee received testimony in opposition to this measure from one member of the Hawai'i County Council; Sugai Kona Coffee; Paradise Meadows Orchard & Bee Farm; Kona Coffee Council; Darden Young Farm, LLC; Carta Coffee Merchants; Mokulele Farms; Cornwell Coffee; Kona Premium Coffee Company; Buddha's Sanctuary, LLC; Hala Tree Coffee; Maika'i Kona Coffee Co. Ltd., dba Holualoa Coffee; Bea's Knees Farm; Kona Coffee Farmers Association; Mauna Mama Kona Coffee; Kona Lisa Coffee; Lava Rock Farm; Rusty's Hawaiian Coffee; HKCC, LLC; Konaloha Farms; Donkey Mill Art Center; Keei Mauka Coffee; Absolute Palate, LLC; Sunshower Farms; and forty-two individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that some companies falsely claim that one-hundred percent of their coffee beans are grown in Hawaii. This measure helps to ensure the grade and origin of green coffee beans by requiring the Department of Agriculture to inspect and certify green coffee beans grown in Hawaii. However, your Committee notes that this inspection and certification requirement is cost-prohibitive for many small farmers and coffee businesses and could potentially lead to bankruptcy for some small farmers and businesses.

Your Committee notes the Department of Agriculture's testimony that this measure is unclear whether Hawaii-grown green coffee beans weighing 100 pounds or less that are not shipped are required to be certified and that it will be difficult for the Department to determine, during the certification process, which coffee beans will be shipped out of the district of origin. The Department testified further the increased volume of inspections will require additional staffing and office space to assist the Department's two employees in its small Kona office, where coffee needs to be roasted and tested.

Your Committee further finds that there currently is controversy between many bigger and smaller coffee growers in the State regarding this measure. Most smaller farmers expressed opposition to this matter, while bigger businesses supported this measure. Your Committee requests the Hawaii Coffee Association to reach out to smaller farmers to attempt to unify the voice of farmers regarding this measure going forward.

Your Committee has amended this measure by:

- (1) Making the inspection fees on a per pound basis;
- (2) Limiting the requirement for inspection and certification to Hawaii-grown green coffee beans that are shipped out of the district of origin and deleting language allowing exceptions specified by rules of the Department of Agriculture; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 869, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 869, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, 2 (Ruderman, Fevella). Excused, none.

#### SCRep. 72 Agriculture and Environment on S.B. No. 1148

The purpose and intent of this measure is to appropriate funds to financially support the local farmers and ranchers who have experienced losses caused by disasters through grants and loans.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, County of Hawai'i Department of Research and Development, University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources, Hawaii Crop Improvement Association, Hawaii Coffee Association, Maui Farmers Union United, Hawaii Floriculture and Nursery Association, Hawaii Cattlemen's Council, Land Use Research Foundation of Hawaii, Maui County Farm Bureau, Hawaii'i Farm Bureau, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii'i, Local Food Coalition, Synergistic Hawaii Agriculture Council, Hawaii Farmers Union, Kapoho Land Partnership, and thirty-six individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that farmers and ranchers are vulnerable to natural disasters, and farmers and ranchers throughout the State directly suffered millions in damages due to extreme weather in 2018. Your Committee further finds that dedicated funding for agricultural disasters will help local farmers and ranchers recover from natural disaster emergencies. Your Committee recommends that farmers and ranchers who were directly impacted by a disaster and remain in the immediate vicinity of where the disaster occurred, should receive a preference on their loan application under this program.

Your Committee agrees with the Department of Agriculture that this disaster funding should be routed to its existing agricultural loan program instead of creating a new disaster program, as staffing and rules for providing loans to farmers and ranchers during emergencies already exists in the agricultural loan program.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$5,000,000;
- (2) Directing the appropriation into and out of the agricultural loan revolving fund to provide loans pursuant to the agricultural loan program; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1148, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 73 Agriculture and Environment on S.B. No. 1324

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for a capital improvement project of the Agribusiness Development Corporation at the Christian Crossing Bridge.

Your Committee received testimony in support of this measure from the Agribusiness Development Corporation, East Kauai Water Users Cooperative, and Kalepa Koalition.

Your Committee finds that the Christian Crossing Bridge is located in Kalepa, Kauai, and is a critical part of the emergency route connecting Lihue with the north shore of Kauai. The area is prone to flooding, and the bridge was inundated with water several times in the past year, causing erosion and structural damage. Your Committee finds that this measure will provide the financing necessary to repair and strengthen the bridge and supporting structures to mitigate any future flooding effects.

Your Committee recommends that the engineers working on the Christian Crossing Bridge pursuant to this measure also study and make recommendations regarding reinforcing the North Fork crossing.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1324 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 74 Higher Education on S.B. No. 314

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the University of Hawaii.

Your Committee received testimony in support of this measure from the University of Hawai'i System and ILWU Local 142.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the University of Hawaii in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 314 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 75 Higher Education on S.B. No. 273

The purpose and intent of this measure is to appropriate funds for the University of Hawaii.

Your Committee did not receive any testimony on this measure.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 273 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 76 Higher Education on S.B. No. 316

The purpose and intent of this measure is to appropriate funds to the University of Hawaii for additional funding for the Hawaii promise program for four-year institutions.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Education, Kamehameha Schools, and one individual.

Your Committee finds that the Hawaii promise program provides financial assistance to students with financial need, as determined by the student's Free Application for Federal Student Aid, to meet the cost of tuition, fees, books, and transportation. However, the Hawaii promise program is only available to students at the University of Hawaii community colleges. This measure expands the Hawaii promise program to qualified students at four-year institutions, which will significantly enhance the number of economically disadvantaged students who can attend and graduate from the University of Hawaii.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount for additional funds for the Hawaii promise program for four-year institutions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 316, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 316, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 77 Labor, Culture and the Arts on S.B. No. 1194

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (4) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (4) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1194, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1194, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

# SCRep. 78 Labor, Culture and the Arts on S.B. No. 1195

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (5) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee did not receive any testimony on this measure.

Your Committee finds that negotiations for collective bargaining unit (5) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1195, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1195, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 79 Labor, Culture and the Arts on S.B. No. 1196

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (6) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association.

Your Committee finds that negotiations for collective bargaining unit (6) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1196, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1196, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 80 Labor, Culture and the Arts on S.B. No. 1197

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (7) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System and University of Hawaii Professional Assembly.

Your Committee finds that negotiations for collective bargaining unit (7) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1197, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1197, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

# SCRep. 81 Labor, Culture and the Arts on S.B. No. 1198

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (8) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Hawaii Government Employees Association.

Your Committee finds that negotiations for collective bargaining unit (8) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1198, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1198, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 82 Labor, Culture and the Arts on S.B. No. 1191

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (1) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, University of Hawai'i System, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (1) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1191, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1191, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 83 Labor, Culture and the Arts on S.B. No. 1192

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (2) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (2) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1192, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

# SCRep. 84 Labor, Culture and the Arts on S.B. No. 1193

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (3) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (3) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1193, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 85 Labor, Culture and the Arts on S.B. No. 1199

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (9) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawaii Government Employees Association, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (9) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1199, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1199, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 86 Labor, Culture and the Arts on S.B. No. 1200

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (10) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (10) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1200, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1200, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 87 Labor, Culture and the Arts on S.B. No. 1201

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (11) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee did not receive any testimony on this measure.

Your Committee finds that negotiations for collective bargaining unit (11) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1201, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1201, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

## SCRep. 88 Labor, Culture and the Arts on S.B. No. 1202

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (13) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association and Hawaii Health Systems Corporation.

Your Committee finds that negotiations for collective bargaining unit (13) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1202, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1202, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 89 Labor, Culture and the Arts on S.B. No. 1203

The purpose and intent of this measure is to provide appropriations for collective bargaining cost items for the members of collective bargaining unit (14) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative for fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association.

Your Committee finds that negotiations for collective bargaining unit (14) agreements are currently in progress. This measure provides a legislative vehicle to appropriate funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1203, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1203, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 90 Judiciary on S.B. No. 130

The purpose and intent of this measure is to appropriate funds for the Judiciary to purchase civil legal services for low and moderate income persons.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Volunteer Legal Services Hawaii, Domestic Violence Action Center, Legal Aid Society of Hawaii, and seven individuals.

Your Committee finds that legal services are often prohibitively expensive for low and moderate income persons. Your Committee further finds that a number of non-profit and volunteer organizations exist to provide quality legal services to persons who require services but lack the resources to pay for them. Your Committee additionally finds that, although these organizations generally function on a volunteer basis, they still require funding for operating costs and other expenses. This measure will support these organizations by providing legal services to those in need.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 130 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

# SCRep. 91 Hawaiian Affairs on S.B. No. 874

The purpose and intent of this measure is to:

- (1) Authorize the construction and use of micro housing units on Hawaiian homelands, notwithstanding county zoning laws, to be leased to native Hawaiians;
- (2) Authorize the use of the Hawaiian Home Loan Fund and Hawaiian Home General Loan Fund to assist native Hawaiians in purchasing or leasing micro housing units on Hawaiian homelands; and
- (3) Appropriate funds for the Department of Hawaiian Home Lands to construct micro housing units, subject to certain conditions, and build general organizational capacity of Native Hawaiian-controlled nonprofit housing developers.

Your Committee received testimony in support of this measure from the Council for Native Hawaiian Advancement, Kalamaula Homesteaders Association, Hawaiian Community Assets, Hawaiian Community Development Board, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and four individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Department of Hawaiian Home Lands.

Your Committee finds that the current waitlist for Hawaiian homelands leases has over twenty thousand applicants and applicants often wait years before receiving a lease offer. However, your Committee further finds since many of the lots offered to applicants do not include dwelling units, waitlist applicants, faced with the obstacles of financing and building new construction, often decline lease offers. Micro housing units allow the Department of Hawaiian Home Lands to respond to the needs of waitlist applicants and offer more lease lots with pre-existing dwellings.

Your Committee has amended this measure by:

- (1) Removing language granting the Department of Hawaiian Home Lands the authority to build micro housing units on Hawaiian homelands in recognition that the Hawaiian Homes Commission Act already establishes this authority;
- (2) Removing Hawaiian blood quantum requirements for purposes of clarity, as beneficiaries of the Hawaiian Homes Commission Act must already meet applicable blood quantum requirements to hold a homestead lease;
- (3) Utilizing the Department of Hawaiian Home Lands' vacancy savings, rather than the general fund, to fund the appropriations;
- (4) Expanding the pool of Native Hawaiian-controlled nonprofit housing developers eligible to receive funds to build general organization capacity by removing eligibility limitations based on past experience and the makeup of the nonprofit's board of directors to focus instead on developers' demonstrated commitment to developing housing units on Hawaiian homelands; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes concerns raised by the Attorney General that changing the appropriation funding source from the general fund to department vacancy savings may present a separation of powers concern. Your Committee respectfully requests your Committee on Ways and Means to consider funding from the Department of Hawaiian Home Lands' base budget since the Department has indicated its plans to explore supplemental dwelling units and appears to be supportive of some of the concepts in this measure. In the alternative, your Committee on Ways and Means could also consider deleting the appropriation language from this measure.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 874, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 874, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 92 Hawaiian Affairs on S.B. No. 695

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to digitize its applicant, beneficiary, and lessee records and appropriate funds for that purpose.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Kalamaula Homesteaders Association, and seven individuals.

Your Committee finds that the current waitlist for Hawaiian homelands leases has over twenty thousand applicants and applicants often wait years before receiving a lease offer. Your Committee further finds that digitizing the Department of Hawaiian Home Lands' applicant, beneficiary, and lessee records will increase the efficiency and transparency of this process.

Your Committee has amended this measure by:

- Changing the source of the appropriation from the general fund to the Department of Hawaiian Home Lands' vacancy savings;
   and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes concerns raised by the Attorney General that changing the appropriation funding source from the general fund to department vacancy savings may present a separation of powers concern. Your Committee respectfully requests your Committee on Ways and Means to consider funding from the Department of Hawaiian Home Lands' base budget or deleting the appropriation language, since the Department has indicated that it is currently digitizing its records.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 695, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 695, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 93 Hawaiian Affairs on S.B. No. 642

The purpose and intent of this measure is to:

- (1) Support the cultural inheritance of Hawaiians by codifying parts of the United Nations Declaration on the Rights of Indigenous Peoples into the Hawaii Revised Statutes and ensuring that Hawaiian language can be used in political, legal, and administrative proceedings in Hawaii; and
- (2) Require that Hawaiian be used for public acts and transactions, that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English, and that 'okina and kahakō shall be used, when appropriate, in documents prepared by state or county agencies or officials.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Council for Native Hawaiian Advancement; Kamehameha Schools; Ke Kula 'O Nāwahīokalani'ōpu'u Iki Lab Public Charter School; 'Aha Pūnana Leo, Inc.;

Pūnana Leo o Hāna; Pūnana Leo o Hilo; Pūnana Leo o Honolulu; Pūnana Leo o Kaua'i; Pūnana Leo o Kona; Pūnana Leo o Ko'olau Poko; Pūnana Leo o Lahaina; Pūnana Leo o Mānoa; Pūnana Leo o Maui; Pūnana Leo o Moloka'i; Pūnana Leo o Wai'anae; Pūnana Leo o Waimea; Ke One O Kākuhihewa-O'ahu Council; and over thirty-five individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from four individuals.

Your Committee finds that the State of Hawaii has long aspired to preserve the rich cultural heritage of Native Hawaiians. Hawaii is part of a growing international movement to preserve the world's indigenous heritage, as demonstrated by the almost universal acceptance of the United Nations Declaration on the Rights of Indigenous Peoples. However, your Committee finds that while Hawaiian was established as an official language of the State of Hawaii in the State's constitution as early as 1978, English continues to predominate in documents prepared by state or county agencies. Furthermore, Hawaiian language access to government functions remains limited.

This measure, therefore, reinforces the parity of Hawaiian language with the English language by requiring Hawaiian for public acts and transactions, by ensuring that laws drafted in Hawaiian shall be binding over English translations, and by requiring, if appropriate, the use of Hawaiian diacritical marks in documents prepared by or for state or county agencies. Your Committee notes testimony clarifying that diacritical marks such as 'okina and kahakō are not utilized by Hawaiian language native speakers but were developed as a tool to teach Hawaiian to second language learners. Your Committee seeks to ensure that any text by Hawaiian language native speakers shall not be required to use diacritical marks.

Your Committee has amended this measure by:

- (1) Clarifying that not only Native Hawaiians but all others shall be provided interpretation or other necessary services to ensure they are able to use the Hawaiian language in political, legal, and administrative proceedings;
- (2) Clarifying that 'okina and kahakō are required to be used in the spelling of words or terms in the Hawaiian language, when appropriate, in documents prepared by or for state or county agencies or officials, except when the Hawaiian text is by and for the benefit of native speakers of Hawaiian;
- (3) Clarifying that any rule, order, policy, or other act, official or otherwise, that prohibits or discourages the use of 'okina and kahakō, except those specifically designed for the benefit of Native Hawaiian speakers, shall be void;
- (4) Expanding the role of the Office of Language Access to include providing Hawaiian language speakers with access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government and covered entities; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 642, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 642, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 94 Commerce, Consumer Protection, and Health on S.B. No. 530

The purpose and intent of this measure is to provide a general excise tax exemption for amounts received from the sale of mobility enhancing equipment, prescription drugs sold pursuant to a doctor's prescription, and prosthetic devices, and expand the definition of "prosthetic devices" to include devices that are worn on the body.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that mobility enhancing equipment, hearing aids, prescription drugs, and prosthetic devices are often necessities for daily living among individuals with disabilities and kupuna. Sellers often pass on the general excise tax to the consumer, which increases the cost of an item. Exempting amounts received from the sales of necessary medical devices can therefore benefit individuals with disabilities and the elderly who are on a fixed income by reducing expenses associated with these items.

Your Committee has amended this measure by:

- (1) Adding hearing aids to the list of products exempted from the general excise tax; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 530, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 530, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

#### SCRep. 95 Commerce, Consumer Protection, and Health on S.B. No. 813

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health, Executive Office on Aging, and Maui County Office on Aging.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Health in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee notes that funding for the emergency medical services base budget for Puna, Lanai, and Kauai was inadvertently left out of the Governor's Executive Budget request.

Accordingly, your Committee has amended this measure by:

- Inserting a general fund appropriation of \$11,872,596 for fiscal year 2020 and \$15,040,191 for fiscal year 2021 to add funds to
  meet collective bargaining requirements and recurring personnel costs for service providers contracted to provide pre-hospital
  emergency medical service (HTH730/MQ); and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 813, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 813, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Thielen).

#### SCRep. 96 Commerce, Consumer Protection, and Health on S.B. No. 1213

The purpose and intent of this measure is to provide a funding mechanism to partially cover the costs to conduct procurement bid challenge hearings by authorizing the Department of Commerce and Consumer Affairs to assess a non-refundable filing fee upon the party initiating the bid challenge for contracts with an estimated value of \$500,000 or more.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and State Procurement Office.

Your Committee finds that bid challenge proceedings often result in project delays, funding lapses, and project cost increases. The Office of Administrative Hearings has strict deadlines to hear and issue written decisions on procurement bid challenges, meaning they are assigned highest priority in terms of time and resources. Typically, it can take approximately one hundred hours or more for the hearings officer to complete the hearing process and issue a thoughtful and thorough decision. Despite the Department of Commerce and Consumer Affairs being tasked with this critical responsibility, no funds have been appropriated to defray the cost of these proceedings.

Your Committee further finds that the Department of Commerce and Consumer Affairs is entirely self-funded. As a result, the costs to conduct challenge hearings are paid for indirectly by the license registration fees assessed by the Department of Commerce and Consumer Affairs from registrants who have no involvement in the procurement process. The costs are, in essence, absorbed with no respective revenues to break even. This measure will require any party initiating a bid challenge for contracts of at least \$500,000 to pay the Department of Commerce and Consumer Affairs a non-refundable fee, which will be used exclusively to help defray the costs of the administrative review of bid challenges.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1213 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 97 Commerce, Consumer Protection, and Health on S.B. No. 825

The purpose and intent of this measure is to limit medical malpractice liability for residents and fellows in accredited residency and fellowship programs acting under the supervision of a licensed physician.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Health Systems Corporation Board of Directors, University of Hawaii System, Hawaii Medical Association, Hawaii State Rural Health Association, Hilo Medical Center Foundation, and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the State is experiencing a critical physician shortage, which can be attributed to many factors. Your Committee further finds that in recent years, the number of instances in which medical residents and fellows have been named in medical malpractice lawsuits has increased significantly. This has negatively impacted the recruitment and retention of physicians and discouraged hospital partners from increasing the funding needed to expand the number of resident and fellow positions necessary to address the State's physician shortage.

Your Committee notes that post-medical school training programs are nationally accredited and are necessary for physicians to obtain full licensure and specialty board certification. Medical residents and fellows are closely monitored by faculty and receive continual review and evaluation. Furthermore, data has shown that patient safety is generally enhanced where there is participation in medical education programs.

This measure limits medical malpractice liability for residents and fellows in an accredited residency or fellowship program in certain circumstances, which will help create an environment that is more conducive to recruiting and retaining medical residents and fellows. Your Committee notes that the limited liability established by this measure does not shield medical residents, fellows, or supervising physicians from liability associated with any gross negligence or wanton acts or omissions.

Your Committee has amended this measure by:

- (1) Clarifying that limited liability applies to any resident or fellow participating in a graduate medical education program and practicing while under supervision of a duly licensed physician;
- (2) Removing language that would have specified that a resident or fellow shall not owe an independent duty of care to a patient;
- (3) Clarifying that the supervising physician shall not be liable for any damages that may result from the resident's or fellow's gross negligence or wanton acts or omissions;
- (4) Inserting a definition for "under supervision";
- (5) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 825, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 825, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

## SCRep. 98 Commerce, Consumer Protection, and Health on S.B. No. 551

The purpose and intent of this measure is to clarify that condominium associations may exercise the remedy of nonjudicial foreclosure regardless of the presence or absence of power of sale language within their governing documents.

Your Committee received testimony in support of this measure from the Real Estate Commission; Hawaii Council of Association of Apartment Owners; Community Associations Institute, Hawaii Chapter; Hawaiian Properties, Ltd.; Associa; Palehua Townhouse Association; Sailors Realty; Aina Nalu; Kai Makani Condominium Board; Board of Directors of Kaioo Terrace; Board of Directors of Coolidge Villa; Board of Directors of Coronet; Board of Directors of Wiliwili Vista; Board of Directors of 1134 Kinau; Board of Directors of Kapiolani Banyan; Board of Directors of Palolo Garden; Law Offices of Mark K. McKellar, LLLC; Motooka Rosenberg Lau and Oyama, LLLC; and thirty individuals. Your Committee received testimony in opposition to this measure from the Kokua Council; Hui 'Oia'i'o; and nine individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that condominium associations have relied on the remedy of nonjudicial foreclosure for years as a way of collecting delinquent maintenance fees, which are necessary for the basic operations of associations. Judicial foreclosures alternatively can take far longer to resolve, create judicial backlog, and cost three to four times more than nonjudicial foreclosure actions, the fees for which are ultimately passed on to non-defaulting owners.

Your Committee further finds that a recent Intermediate Court of Appeals case, <u>Sakal v. Ass'n of Apartment Owners of Hawaiian Monarch</u>, 426 P.3d 443 (Haw. Ct. App. 2018), held that power of sale language must exist in a condominium association's bylaws or another enforceable agreement with its unit owners in order for the association to avail itself of the nonjudicial power of sale foreclosure procedures set forth in chapter 667, Hawaii Revised Statutes. According to testimony received by your Committee, the <u>Sakal</u> ruling is contrary to clear prior legislative intent and came as a surprise to condominium associations who have, for years, relied in good faith upon the law and its intended meaning.

Your Committee also finds that under the <u>Sakal</u> decision, many associations have lost the benefit of the nonjudicial foreclosure process. Concerns have been raised that, as a result, an association's ability to conduct a nonjudicial foreclosure will no longer depend on legislative intent, but whether specific language in the declaration or bylaws was included when the project was first created. This measure therefore clarifies that the governing documents of every association are deemed to include a power of sale provision, sufficient to enable the exercise of nonjudicial foreclosure remedy, regardless of the presence or absence of power of sale language in an association's documents.

Your Committee has heard the concerns raised by the Department of the Attorney General that this measure, as written, may raise an impairment of contracts challenge. Your Committee understands these concerns and concludes that amendments to this measure are necessary. However, your Committee has also heard additional concerns that if this measure is not expressly applied retroactively, it may impact or set aside years of prior nonjudicial foreclosure proceedings, potentially resulting in untold numbers of lawsuits for wrongful foreclosure, due to the presumption that the <u>Sakal</u> decision applies retroactively unless there is substantial prejudice. Your Committee finds that these issues and concerns merit further consideration and requests that your Committee on Judiciary further examine those issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by:

(1) Incorporating language suggested by the Attorney General that:

- (A) Removes language that would have specified that the governing documents of every association were deemed to include a power of sale provision sufficient to enable the exercise of a nonjudicial foreclosure remedy; and
- (B) Clarifies that associations are permitted to pursue foreclosure by action or nonjudicial or power of sale foreclosure remedies, regardless of the presence or absence of power of sale language in the governing documents;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 551, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 551, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

## SCRep. 99 Commerce, Consumer Protection, and Health on S.B. No. 768

The purpose and intent of this measure is to:

- (1) Prohibit health plans and providers from disclosing any payment or billing information for a minor's mental health services to a policyholder or other covered person if the minor received the services without the consent or participation of the minor's parent or legal guardian; and
- (2) Specify that the minor and the minor's parent or legal guardian are not responsible for out-of-pocket payments for minor-initiated mental health treatment or counseling services.

Your Committee received testimony in support of this measure from the Department of Health, Mental Health America of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, the LGBT Caucus of the Democratic Party of Hawai'i, the Hawai'i Psychological Association, and seven individuals. Your Committee received comments on this measure from Kaiser Permanente Hawai'i and Hawaii Medical Service Association.

Your Committee finds that minors may need mental health services but do not feel safe or comfortable obtaining their parent or guardian's consent for treatment. Existing law permits minors fourteen years or older to consent to mental health treatment with the option of keeping that treatment confidential from their parent or guardian. However, existing law does not explicitly prevent health plans from disclosing billing information related to minor-initiated mental health services. Your Committee notes that the suppression of explanation of benefits is a standard practice where minor consent laws exist. This measure therefore reduces barriers for minors seeking mental health treatment by ensuring a minor's privacy is maintained when the minor seeks treatment.

Your Committee has amended this measure by:

- (1) Specifying that a mental health professional has a standard of care duty to:
  - (A) Ask a minor if the minor would like the provision of mental health treatment or counseling kept confidential from the minor's parent or guardian; and
  - (B) Explain to the minor what confidentiality means with regard to mental health services;
- (2) Clarifying that a minor is not responsible for any payment, including out-of-pocket payments, due for minor-initiated mental health treatment or counseling services, regardless of parent or guardian participation;
- (3) Clarifying that a minor's parent or guardian is not liable for out-of-pocket payments for minor-initiated mental health treatment or counseling services, except in certain circumstances; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 768, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 768, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

## SCRep. 100 Commerce, Consumer Protection, and Health on S.B. No. 538

The purpose and intent of this measure is to authorize mental health professionals acting under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors initiating mental health treatment without the consent of the minor's parent or legal guardian.

Your Committee received testimony in support of this measure from the Department of Health, Mental Health America of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Hawai'i Psychological Association, Rainbow Family 808, and eleven individuals.

Your Committee finds that minors may initiate mental health services without having to obtain the permission of their parent or guardian. However, under existing law, these services may only be provided by licensed mental health professionals. Your Committee further finds that most readily available low- or no-cost mental health treatment or counseling services are provided by unlicensed professionals in the process of completing post-degree experience required for state licensure and who are practicing under the supervision of licensed mental health professionals. This measure reduces barriers for minors seeking mental health treatment by

expanding authorized providers of minor-initiated mental health services to include mental health professionals who are in the process of completing state licensure and working under the supervision of a licensed mental health professional.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "mental health professional" to ensure all relevant professions are included; and
- (2) Making technical, nonsubstance amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 538, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 538, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

## SCRep. 101 Commerce, Consumer Protection, and Health on S.B. No. 676

The purpose and intent of this measure is to appropriate funds to establish one full-time equivalent Alzheimer's disease and related dementia services coordinator position in the Chronic Disease Prevention and Health Promotion Division of the Department of Health.

Your Committee received testimony in support of this measure from the Alzheimer's Association, Aloha Chapter; International Longshore and Warehouse Union, Local 142; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and fourteen individuals. Your Committee received comments on this measure from the Department of Health and Executive Office on Aging

Your Committee finds that approximately 27,000 Hawaii residents were diagnosed with Alzheimer's disease in 2010 and as Hawaii's population over the age of 65 continues to grow, the prevalence of Alzheimer's disease is expected to rise. Alzheimer's disease and dementia patients, as well as their caretakers, require strong community support and education to assist them as they live with and combat the disease. The *Hawaii 2025: State Plan on Alzheimer's Disease and Related Dementia* identified strategies required to address the multifaceted issues associated with this disease; however, the services and activities needed require leadership and coordination at a systematic level. This measure establishes a dedicated position to help implement and update the Alzheimer's Disease and Related Dementia state plan.

Your Committee notes that the Chronic Disease Prevention and Health Promotion Division does not have an Alzheimer's disease and related dementia services-specific program, as the Executive Office on Aging is the designated lead agency in the coordination of a statewide system of aging and caregiver support services in the State.

Accordingly, your Committee has amended this measure by:

- (1) Changing the name of the full-time equivalent position from "Alzheimer's disease and related dementia services coordinator position" to "program specialist IV";
- (2) Placing the full-time equivalent position within the Executive Office on Aging, rather than the Chronic Disease Prevention and Health Promotion Division of the Department of Health;
- (3) Updating its purpose section; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 676, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 676, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

#### SCRep. 102 Transportation on S.B. No. 666

The purpose and intent of this measure is to establish the Hawaii Airports Corporation to assume the authority, powers, functions, duties, and responsibilities for managing and operating all of the State's airports and aeronautical facilities.

Your Committee received testimony in support of this measure from the Office of the Governor, Department of Public Safety, Department of Land and Natural Resources, Department of Transportation, Department of Human Resources Development, Hawaii Tourism Authority, University of Hawaii System, American Council of Engineering Companies of Hawaii, Hawaii Lodging and Tourism Association, Chamber of Commerce Hawaii, Enterprise Holdings, Bank of Hawaii, Airport Concessionaries Committee, Hawaiian Airlines, Maui Hotel and Lodging Association, Electrical Contractors Association of Hawaii, Airlines Committee of Hawaii Business Roundtable Incorporated, Kona-Kohala Chamber of Commerce, Activities and Attractions Association of Hawaii, Maui Chamber of Commerce, Kohala Coast Resort Association, and one member of the Hawaii County Council. Your Committee received testimony in opposition to this measure from the Painting Industry of Hawaii Labor Management Cooperation Trust Fund. Your Committee received comments on this measure from the Department of the Attorney General, State Procurement Office, Subcontractors Association of Hawaii, UNITE HERE Local 5 Hawaii, United Public Workers, and Sheet Metal and Air Conditioning Contractors' National Association Hawaii Chapter.

Your Committee finds that the responsibility for the development, management, and operation of the State's airports system is distributed among several state departments, resulting in delayed decision-making and inefficiency, which restricts the airport systems from keeping up with the standards of other leading global airports. Your Committee also finds that the involvement of multiple agencies has further resulted in a progressive deterioration of the quality of important airport facilities. The quality and appearance of

the State's airports serve as the first impression of Hawaii for visitors and the airports need to be better managed to reflect the true beauty of Hawaii.

Your Committee additionally finds that an independent airports corporation would allow for quicker decision-making and a streamlined process for budgeting and procurement, which would improve efficiency and implement best practices in all aspects of operation of state airports. Your Committee believes that an independent airports corporation would maximize contributions from state airports to the state economy, promote an enhanced experience for visitors, and improve global access and inter-island mobility.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that there shall be no more than two members who are non-residents of the State on the board of directors at any time:
- (2) Upon recommendation of the Department of the Attorney General, clarifying that the Board of Directors of the Hawaii Airports Corporation shall appoint a Chief Executive Officer;
- (3) Upon recommendation of the State Procurement Office:
  - (A) Further clarifying the exemption of the Hawaii Airports Corporation from chapter 103D, Hawaii Revised Statutes; and
  - (B) Requiring, prior to exemption from chapter 103D, Hawaii Revised Statutes, the Hawaii Airports Corporation to, in consultation with the State Procurement Office, adopt procurement rules pursuant to chapter 91, Hawaii Revised Statutes, and further clarifying the minimum requirements for the procurement rules;
- (4) Exempting the Hawaii Airports Corporation and its designated funds from chapter 37D, Hawaii Revised Statutes;
- (5) Deleting language that would have required the Hawaii Airports Corporation to submit a copy of its annual Single Audit Report to the Auditor and instead requiring the Auditor to conduct management and financial audits of the Hawaii Airports Corporation for fiscal year 2023 and every second year thereafter;
- (6) Inserting the definitions of "chief executive officer" and "corporation" into chapters 261 and 262, Hawaii Revised Statutes; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 666, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 666, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 103 Human Services on S.B. No. 330

The purpose and intent of this measure is to require the Department of Human Services to:

- (1) Implement an earned income disregard program as an intermediate step to implementing a full Medicaid buy-in program; and
- (2) Submit reports to the Legislature.

Your Committee received testimony in support of this measure from the Hawaii Disability Rights Center and one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that Act 200, Session Laws of Hawaii 2012, established a joint legislative Medicaid Buy-In Task Force (Task Force) to explore the possibility of implementing a Medicaid buy-in program for individuals with disabilities who are either not working or currently working but would like to earn more income. The Task Force has been working to implement the Medicaid buy-in program, but lack of funding has prevented its implementation.

Your Committee further finds that the Task Force recommended an interim step to a Medicaid buy-in program, to allow individuals with disabilities to earn income and not lose their Medicaid benefits, which they would be at risk of given the current Medicaid eligibility rules. While this interim program would not provide the full benefits of a Medicaid buy-in program, it would increase the amount of income an individual could earn while retaining Medicaid eligibility, encourage the employment of individuals with disabilities, and enable current Medicaid beneficiaries to become more self-sufficient.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 330 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 104 Human Services on S.B. No. 470

The purpose and intent of this measure is to:

- (1) Extend the expiration of and the reporting deadline for the emergency homelessness assessment pilot program; and
- (2) Extend the expiration of and the reporting deadline for the medical respite pilot program.

Your Committee received testimony in support of this measure from the Department of Human Services, The Queen's Health Systems, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the Department of Human Services Homeless Programs Office is in the process of executing contracts for the emergency homelessness assessment pilot program and the medical respite pilot with the identified medical providers. However, the homelessness assessment pilot program and the medical respite pilot program need additional time to become fully operational. This measure extends the sunset dates for the pilot programs and the due dates for reports to the Legislature, which will enable the programs to become fully operational and ensure that the Department of Human Services is able to sufficiently evaluate the programs' effectiveness and provide more accurate data to the Legislature.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 470 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 105 Commerce, Consumer Protection, and Health on S.B. No. 281

The purpose and intent of this measure is to appropriate funds for the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the items expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the items expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 281 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Thielen).

## SCRep. 106 Commerce, Consumer Protection, and Health on S.B. No. 804

The purpose and intent of this measure is to:

- (1) Establish the culturally competent palliative care pilot program to promote palliative care, gather health care utilization data, and conduct bidding for at least two pilot programs for home or community based palliative care;
- (2) Establish an advisory group to oversee implementation of the pilot program;
- (3) Require reports to the legislature; and
- (4) Appropriate funds for the pilot program.

Your Committee received testimony in support of this measure from the Department of Health, The Queen's Health Systems, Hawaii Pacific Health, St. Francis Healthcare System of Hawaii, American Nurses Association in Hawaii, American Cancer Society Cancer Action Network, Hawaii Family Forum, Hawai'i Care Choices, Kōkua Mau; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and thirteen individuals.

Your Committee finds that palliative care, which focuses on providing patients with symptom relief from serious illness, can increase patients' quality of life as they go through recovery or face an end-of-life situation. Palliative care also decreases the emotional burden on patients and their families and reduces direct health care costs. However, your Committee notes that palliative care usage rates in Hawaii are lower than on the mainland, in part because Asian and Pacific Islanders are less likely to enroll in palliative care options. Your Committee further finds that culturally competent palliative care and hospice training is a promising practice to increase patient, family, and provider engagement with palliative care options.

Accordingly, this measure establishes the culturally competent palliative care pilot program, which is an important first step toward increasing palliative care awareness and usage in Hawaii.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 804 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

## SCRep. 107 Commerce, Consumer Protection, and Health on S.B. No. 812

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Commerce and Consumer Affairs.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, the Public Utilities Commission, and one individual.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Commerce and Consumer Affairs in the General Appropriations

Act of 2017, as amended by the Supplemental Appropriations Act of 2018. Your Committee notes that this measure includes sixteen budget requests from the Department of Commerce and Consumer Affairs. The Department indicated in testimony before your Committee that each division has sufficient reserves to cover the costs associated with the budget increases proposed by this measure. Your Committee notes that this measure also includes five budget requests from the Public Utilities Commission.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 812 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 108 Commerce, Consumer Protection, and Health on S.B. No. 814

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that this measure expresses adjustments to the projects funded for the Department of Health in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 814 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Thielen).

## SCRep. 109 Commerce, Consumer Protection, and Health on S.B. No. 1023

The purpose and intent of this measure is to appropriate funds to the Department of Health to provide funding for the kupuna care

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Policy Advisory Board for Elder Affairs; Maui County Office on Aging; AARP; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Alzheimer's Association, Aloha Chapter; International Longshore and Warehouse Union, Local 142; Chinatown Gateway Plaza Tenant Association; Hawaii Chapter of the American Physical Therapy Association; Catholic Charities Hawai'i; and twenty-three individuals. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that the kupuna care program assists frail adults age sixty and older with leading independent, meaningful, and dignified lives by providing a continuum of home and community based services and supports. Kupuna care aims to allow Hawaii's kupuna to age in place, thus preventing or delaying the need for more expensive and restrictive levels of care. According to testimony from the Executive Office on Aging, in fiscal year 2018, kupuna care services were provided to 5,643 individuals. The Governor's base budget request would enable the State to serve an additional two hundred sixty-two individuals.

Your Committee notes that consistent funding for the kupuna care program is critical, as keeping seniors healthy and at home is the most cost-effective way to address the rapidly increasing population of adults age sixty and older in the State. Accordingly, your Committee respectfully requests that your Committee on Ways and Means include the appropriation for the kupuna care program in the budget as a recurring cost item.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1023 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Thielen).

# SCRep. 110 Commerce, Consumer Protection, and Health on S.B. No. 1025

The purpose and intent of this measure is to:

- (1) Change the kupuna caregivers program allocation cap from \$70 per day to \$350 per week; and
- (2) Appropriate funds for the continued implementation of the kupuna caregivers program.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Policy Advisory Board for Elder Affairs; Maui County Office on Aging; Hawaii County Advisory Committee on Aging; Alzheimer's Association, Aloha Chapter; Hawaii Family Caregiver Coalition; Hawaii Women's Coalition; Faith Action for Community Equity;

AARP; Hawaii Chapter of the American Physical Therapy Association; Kokua Council; Midwives Alliance of Hawaii; Mental Health America of Hawaii; Hawaii Island Adult Care, Inc.; Manoa Cottage; Sakura House Adult Day Care; Hale Hau'oli Hawaii; Chinatown Gateway Plaza Tenant Association; Church of the Crossroads; Live Well at Iwilei; Caring Across Generations; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; International Longshore and Warehouse Union, Local 142; Hawaii Appleseed Center for Law & Economic Justice; and forty-eight individuals. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that the cost of professional caregiving continues to rise, with family members often struggling to care for a loved one, while remaining fully employed. In response to this issue, in 2017 the Legislature established the groundbreaking kupuna caregivers program, which aims to provide working caregivers with additional resources to cover a variety of support services such as adult day care, assisted transportation, and homemaker services. The kupuna caregivers program is a prevention program, designed to assist families before a crisis. This measure continues the funding for the kupuna caregivers program to address the financial needs of family members who must miss work and income to take care of their elders. Family caregivers are performing both a family service and a social service, by relieving the State of the burden and cost of elder care. Your Committee finds that the efforts of these caregivers should not be made at the expense of their own loss of financial stability, which puts caregivers at risk of financial insecurity in the future.

Your Committee notes that consistent funding for the kupuna caregivers program is critical, as the program is a crucial way to provide a safety net for Hawaii's caregivers and invest in the State's paid care workforce. Accordingly, your Committee respectfully requests that your Committee on Ways and Means include the appropriation for the kupuna caregivers program in the budget as a recurring cost item.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1025 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Thielen).

# SCRep. 111 Commerce, Consumer Protection, and Health on S.B. No. 1352

The purpose and intent of this measure is to clarify that financial institutions in the State are authorized to conduct business with persons and entities that lawfully grow, produce, sell, market, advocate for, or otherwise deal with industrial hemp.

Your Committee received testimony in support of this measure from the Hawaii Department of Agriculture, Hawaii Farm Bureau, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Bankers Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that financial institutions are already allowed to maintain a banking relationship with entities engaged in the business of industrial hemp. This measure clarifies this authorization and makes certain that all members of the banking industry know they are authorized to act in this area, which will be helpful for the State's industrial hemp licensees.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1352 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 112 Commerce, Consumer Protection, and Health on S.B. No. 815

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Health.

Your Committee received testimony in support of this measure from the Hawaii Health Systems Corporation Board of Directors, Maui Health System, Kahuku Medical Center, and East Hawaii Region of the Hawaii Health Systems Corporation.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Health in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent. Your Committee also requests your Committee on Ways and Means to consider increasing the funding for the Hawaii Health Systems Corporation Regions, as indicated in testimony. Your Committee further notes for your Committee on Ways and Means that this measure is the vehicle for Maui Health Systems subsidies.

Your Committee has amended this measure by increasing the appropriation amounts allocated to the Hawaii Health Systems Corporation (HTH212) and Maui Health System (HTH214) for fiscal years 2019-2020 and 2020-2021.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 815, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 815, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Thielen).

#### SCRep. 113 Commerce, Consumer Protection, and Health on S.B. No. 816

The purpose and intent of this measure is to appropriate funds for various capital improvement projects of the Department of Health.

Your Committee received testimony in support of this measure from the Hawaii Health Systems Corporation and Maui Health System. Your Committee received comments on this measure from Kahuku Medical Center.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Health in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by:

- Increasing the appropriation amounts to the Hawaii Health Systems Corporation regions for fiscal year 2019-2020 and fiscal year 2020-2021; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 816, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 816, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Thielen).

#### SCRep. 114 Transportation on S.B. No. 565

The purpose and intent of this measure is to:

- (1) Require the Department of Transportation to implement a vision zero program in Hawaii by July 1, 2020; and
- (2) Establish a goal of no traffic fatalities or serious injuries by 2030.

Your Committee received testimony in support of this measure from the Department of Transportation; City and County of Honolulu Department of Transportation Services; Kauai Path, Inc.; Hawaii Bicycling League; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Blue Zones Project; two members of the Hawaii County Council; and seven individuals.

Your Committee finds that vision zero is a multi-national road traffic safety project that aims to achieve a traffic system with no fatalities or serious injuries involving traffic. In 2018 alone, 117 people were killed in Hawaii due to a traffic related incident and there have already been 13 fatalities in 2019. Your Committee further finds that vision zero is a step forward toward decreasing these numbers and providing a safe environment for all Hawaii residents. Your Committee acknowledges that the Department of Transportation is working toward goals similar to those of vision zero through its strategic highway safety plan and encourages the Department to expand its efforts through the adoption of a vision zero program.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 565 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

# SCRep. 115 Transportation on S.B. No. 410

The purpose and intent of this measure is to increase the penalties for those who violate the pedestrians' right-of-way in crosswalks.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Maui Police Department, one member of the City Council of the City and County of Honolulu, and one individual.

Your Committee finds that in 2018, forty-three pedestrians were killed in traffic accidents. This is a record number of people that were tragically taken away from their families and friends. Your Committee further finds that increasing penalties can help reduce the amount of pedestrian fatalities by making drivers more aware of the presence of pedestrians on and near the roadways, especially in crosswalks.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 410 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

#### SCRep. 116 Transportation on S.B. No. 641

The purpose and intent of this measure is to add the definition of "substance" and amend the definitions of "drug" and "substance" for purposes of violations due to operating a vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation, County of Hawai'i Police Department, County of Hawaii Office of the Prosecuting Attorney, County of Maui Department of the Prosecuting Attorney, Honolulu Police Department, Highway Strategic Highway Safety Plan, and Mothers Against Drunk Driving Hawaii. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the existing definition of a drug under the Uniform Controlled Substance Act limits law enforcement and prosecutors from keeping roads safe from impaired drivers as it does not encompass many substances that are being abused by individuals. Because those substances do fall under the definition of a drug in existing law, those abusing the substances are free to drive while impaired on Hawaii's roads. It is difficult for laws to catch up with the constant changing chemicals and newly developed drugs, thereby causing problems for law enforcement to keep Hawaii's roads safe. This measure would provide clarity with respect to how substance abuse and drugs are defined in law, ensuring safety for residents and visitors of Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 641 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

#### SCRep. 117 Transportation on S.B. No. 274

The purpose and intent of this measure is to appropriate funds for the Department of Transportation.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 274 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

# SCRep. 118 Transportation on S.B. No. 309

The purpose and intent of this measure is to:

- Repeal several exemptions from the prohibition on operating a pickup truck with a passenger seated in the bed or loadcarrying area;
- (2) Remove the requirement that a passenger be twelve years of age or younger; and
- (3) Reduce the fine for violating the prohibition.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Hawaii Strategic Highway Safety Plan, and Keiki Injury Prevention Coalition. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that from 2014 to 2018, eight truck bed occupants died in Hawaii due to being ejected from the bed of a pickup truck as a result of a motor vehicle crash. According to the National Highway Traffic Safety Administration, people riding in the bed or cargo areas of a pickup truck are nine times more likely to be killed than those involved in other vehicle collisions. This measure would prohibit all persons, regardless of age, from sitting in the bed of a pickup truck, ensuring the safety of all passengers and reducing motor vehicular fatalities.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 309 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (English, Fevella). Noes, none. Excused, 2 (Harimoto, Shimabukuro).

# SCRep. 119 Transportation on S.B. No. 510

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Transportation, Administration Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Administration Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Upon recommendation by the Department of Transportation, inserting a recurring federal fund appropriation ceiling increase;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 510, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 510, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

#### SCRep. 120 Transportation on S.B. No. 693

The purpose and intent of this measure is to clarify what pedestrians are required to do when in a crosswalk while a countdown timer is operating.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that existing law regarding pedestrian-control signals has not been updated to match the signals currently being used in Hawaii. Your Committee further finds that there is confusion regarding when it is safe for a pedestrian to cross the street due to the multiple types of signals that are being utilized in Hawaii. Some signals don't have any indication how long a pedestrian has to safely cross the street, such as a "Don't Walk" message, a raised palm, or a flashing countdown timer. Your Committee also finds that in some cases, a signal will have an upraised palm and a countdown timer. Your Committee believes that this measure will provide consistency with the meaning of the flashing palm or "Don't Walk" indications, thereby improving pedestrian safety.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 693, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 693, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

# SCRep. 121 Government Operations on S.B. No. 955

The purpose and intent of this measure is to require financial disclosure statements of state agency executive directors to be public records available for inspection and duplication.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, League of Women Voters of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that under existing law, directors of state departments are required to publicly disclose their financial disclosure statements although departmental executive directors are not. This measure will require executive directors of every state agency and department to also publicly disclose their financial disclosure statements, which will increase government transparency and openness and foster public trust in state officials.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 955 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Baker).

# SCRep. 122 Government Operations on S.B. No. 533

The purpose and intent of this measure is to clarify that any member of a state board or commission, whose nomination for appointment or reappointment is withdrawn by the Governor for cause prior to the Senate's action to advise and consent or not advise and consent, shall be considered disqualified for membership, and in the case of a reappointment, ineligible to continue to serve as a holdover member beyond the member's most recent term of appointment.

Your Committee did not receive any testimony on this measure.

Your Committee finds that existing law permits a member of a state board or commission to continue as a holdover member until a successor is nominated and appointed. However, clarification is needed to address situations where a board or commission member's

nomination for appointment or reappointment is withdrawn by the Governor before the Senate has an opportunity to complete the advise and consent process. Your Committee further finds that if a member's nomination for reappointment has been withdrawn by the Governor for cause, that nominee should not then be able to continue serving as a holdover member. This measure therefore clarifies that the Governor's withdrawal for cause of a nominee for a state board or commission renders that nominee disqualified for membership or ineligible to serve as a holdover member.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 533, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 533, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 123 Government Operations on S.B. No. 678

The purpose and intent of this measure is to require the Legislature to follow certain fundamental principles of the sunshine law in conducting its business, including:

- (1) Requiring a majority vote to suspend a legislative rule;
- (2) Requiring proposed amendments to a bill to be germane to the subject of the bill proposition, section, or paragraph to be amended;
- (3) Requiring correspondence received by the Legislature or any of its single or joint committees on a measure to be considered testimony on the measure; and
- (4) Requiring all floor votes, except on first reading, to be printed on the order of the day before consideration.

Your Committee received testimony in support of this measure from The Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, League of Women Voters of Hawaii, Life of the Land, Common Cause Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and three individuals. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that members of the public have expressed frustrations about the lack of accessibility within the legislative process. This measure requires the Legislature to follow certain fundamental principles of the Sunshine Law, which will make the operations of the Legislature more transparent and promote accountability and democracy in legislative procedures.

Your Committee has amended this measure by:

- Clarifying that all correspondence received on a measure by the Legislature or a legislative committee is considered testimony
  and therefore subject to disclosure as a public record under the Uniform Information Practices Act; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 678, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 678, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 124 Government Operations on S.B. No. 757

The purpose and intent of this measure is to require all agencies to:

- Maintain a website with a list of open contested cases and provide access to all documents filed in each case via the website;
- (2) Establish a subscription-based electronic mail notification system so that all interested parties may receive notice of all filings made in a contested case proceeding.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and Life of the Land. Your Committee received comments on this measure from the Department of Land and Natural Resources, Department of Human Services, Department of the Attorney General, Land Use Commission, Hawaii Labor Relations Board, and Hawai'i Civil Rights Commission.

Your Committee finds that many state agencies are moving toward electronic documentation and notification, although not all agencies are following suit. Your Committee further finds that providing similar access to information will increase transparency and accountability for all state agencies.

However, your Committee has heard the concerns raised in testimony that this measure requires agencies to list all contested cases and requires public access to all agency filings, without regard to whether the contested cases are confidential pursuant to state or federal laws and must be closed to the public. Concerns were also raised that the notification requirements proposed by this measure could be administratively burdensome. Your Committee understands these concerns and finds that amendments to this measure are necessary.

Your Committee has amended this measure by:

- (1) Specifying that each agency is only required to maintain a website that lists the agency's open non-confidential contested
- (2) Removing the requirement that each website provide access to all documents filed in each contested case;
- (3) Removing the requirement for each agency to establish a subscription-based email notification system for all filings made in a contested case proceeding;
- (4) Delaying the effective date until July 1, 2025, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 757, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 757, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Baker).

#### SCRep. 125 Education on S.B. No. 90

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Education.

Your Committee received testimony in support of this measure from the Department of Education, Executive Office on Early Learning, Early Learning Board, and Kamehameha Schools. Your Committee received comments on this measure from one individual.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Education in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Deleting language that would have established three full-time equivalent (3.00 FTE) permanent positions for the Office of Hawaiian Education;
- Deleting language that would have established one full-time equivalent (1.00 FTE) permanent Education Specialist for Early College;
- (3) Inserting language that appropriates \$2,000,000 in general funds for fiscal years 2019-2020 and 2020-2021 for additional workers' compensation funds (EDN100/CN);
- (4) Inserting language that appropriates \$3,000,000 in general funds for fiscal years 2019-2020 and 2020-2021 for school innovation funds for weighted student formula (EDN100/AA);
- (5) Inserting language that appropriates \$1,500,000 in general funds for fiscal years 2019-2020 and 2020-2021 for early college funding for high schools (EDN100/BX);
- (6) Repurposing the fifteen full-time equivalent (15.00 FTE) permanent positions under EDN200/GN as Complex Area Personnel Specialists for Investigations;
- (7) Deleting language that would have established one full-time equivalent (1.00 FTE) permanent English Language Learners Program Specialist for compliance and program implementation;
- (8) Deleting language that would have established one full-time equivalent (1.00 FTE) permanent Administrative Assistant position for the Office of Curriculum and Instructional Design;
- (9) Deleting language that would have established one full-time equivalent (1.00 FTE) permanent Administrative Services Assistant position for the Office of Student Support Services;
- (10) Inserting language that establishes three full-time equivalent (3.00 FTE) permanent positions and appropriates \$350,896 and \$444,832 in general funds for fiscal years 2019-2020 and 2020-2021, respectively, for leadership and development support (EDN200/GJ);
- (11) Decreasing the appropriation amount from \$5,000,000 to \$2,000,000 for fiscal years 2019-2020 and 2020-2021 for electric utilities energy cost adjustment charges (EDN400/OE);
- (12) Decreasing the appropriation amount from \$6,000,000 to \$3,468,193 for fiscal years 2019-2020 and 2020-2021 for support for school facility service and maintenance contracts (EDN400/OC);
- (13) Inserting blank appropriation amounts for fiscal years 2019-2020 and 2020-2021 for air conditioning repair (EDN400/OC);
- (14) Inserting a blank number of positions for fiscal year 2020-2021 and blank appropriation amounts for fiscal years 2019-2020 and 2020-2021 for the early learning induction program and additional prekindergarten classrooms (EDN700/PK); and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 90, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 90, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

#### SCRep. 126 Education on S.B. No. 341

The purpose and intent of this measure is to make exemptions from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with, and direct support workers working under the supervision of, a licensed behavior analyst or licensed psychologist.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawaii Association for Behavior Analysis, Hawaii Psychological Association, Autism Behavior Consulting Group Hawaii, Together For Our Keiki, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center and two individuals. Your Committee received comments on this measure from the University of Hawaiii System.

Your Committee finds that many students enrolled in public schools would benefit from the expansion of behavior analysis services throughout Hawaii's public school system. Specifically, students benefit when a teacher is allowed to implement applied behavior analysis services in collaboration with a licensed behavior analyst or licensed psychologist. However, under existing law, there is a deadline after which teachers will no longer be allowed to implement these services. This measure ensures that teachers will be able to continue to implement these services in collaboration with, or under the direct supervision of, a licensed behavior analyst or licensed psychologist.

Your Committee has heard the testimony of the Hawai'i Association for Behavior Analysis expressing concerns relating to the use of the phrase "direct supervision" and other provisions relating to the direct supervision of licensed behavior analysts. Your Committee finds that these issues raise concerns that merit further consideration and request that your Committee on Commerce, Consumer Protection, and Health further examine the issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 341, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 341, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 127 Education on S.B. No. 371

The purpose and intent of this measure is to:

- (1) Establish a workforce readiness program within the Department of Education to allow students to graduate from an extended high school enrollment with an industry-recognized associate's degree to complement the student's high school diploma; and
- (2) Appropriate funds for the development and implementation of the program, including the hiring of full-time positions.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Department of Education, University of Hawai'i System, Executive Office on Early Learning, Workforce Development Council, McKinley Community School for Adults, Hawaii Youth Services Network, Hawaii Farm Bureau, Hawaii State Teachers Association, and one individual.

Your Committee finds that high school students in Hawaii would benefit from aligning educational curriculum to workforce readiness. This alignment depends upon close collaboration between the public school system, a community college, and one or more industry employers near a school complex. By establishing a workforce readiness program, this measure would ensure that students receive the industry-based skills and certification required for employment after graduation.

Your Committee has amended this measure by:

- (1) Specifying that workforce readiness program schools shall provide opportunities for students to earn pre-apprenticeship certificates and other industry-recognized certificates that assess and document student readiness for a wide range of jobs in addition to an associate's degree; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 371, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 371, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 128 Education on S.B. No. 373

The purpose and intent of this measure is to require and appropriate funds for the Department of Education to develop and implement a K-12 curriculum-to-career-pipeline initiative to ensure that the State's public school students are adequately trained and prepared to enter the workforce upon graduation from high school.

Your Committee received testimony in support of this measure from the Department of Education, Department of Labor and Industrial Relations, University of Hawai'i System, Hawaii Youth Services Network, Hawaii Farm Bureau, and Kamehameha Schools. Your Committee received comments on this measure from one individual.

Your Committee finds that there is a disconnect between the needs and expectations of today's employers and the current skills of the State's local workforce. Many industries in the State require employees with skills in coding, computer science, engineering, foreign language, and other technology-based jobs, yet the skills gap continues to widen. This measure will enable students to enter the State's workforce upon graduation from high school by improving job training and more closely aligning education to employment.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 373 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 129 Education on S.B. No. 388

The purpose and intent of this measure is to require the Department of Education to:

- (1) Upon request by a parent or guardian of a vulnerable student or a student who has exhibited behavioral issues, provide a clinical or psychoeducational evaluation; and
- (2) Provide an assessment for suspended students to identify and provide services for any social disorder, emotional disorder, or learning difference.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Department of Education.

Your Committee finds that children living in poverty who have one or more parents incarcerated, are the victims of abuse or neglect, or are homeless often experience a range of traumatic and toxic stress. This stress can harm the child's brain development and physical, social, mental, emotional, and behavioral health and well-being. Therefore, it is imperative that the Department of Education identify vulnerable students who are likely to drop out, assess their needs, and provide them with the services they need to succeed.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 388, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 388, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

### SCRep. 130 Education on S.B. No. 391

The purpose and intent of this measure is to appropriate funds to the Department of Education for behavior analysis services performed by licensed behavior analysts for public school students.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Disability Rights Center, Democratic Party of Hawai'i Education Caucus, Together For Our Keiki, Hawai'i Association for Behavior Analysis, Hawaii State Teachers Association, Hawai'i Psychological Association, and six individuals.

Your Committee finds that behavior analysis means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. Your Committee further finds that many students enrolled in Department of Education schools would benefit from the expansion of behavior analysis services throughout the State's public school system, including students with autism spectrum disorders. This measure ensures that all students requiring behavioral support receive the care they need and provides teachers with the necessary support they may need from other professionals with expertise in behavior analysis.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount for the Department of Education to provide behavior analysis services performed by licensed behavior analysts for public school students; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

Your Committee notes that although the appropriation is blank, an appropriation of \$20,000,000 is necessary to provide behavior analysis services performed by licensed behavior analysts for public school students.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 391, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 391, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 131 Education on S.B. No. 392

The purpose and intent of this measure is to appropriate funds to the Department of Education to provide up to \$1,690 to each special education classroom teacher for instructional materials and equipment.

Your Committee received testimony in support of this measure from the Department of Education, Democratic Party of Hawai'i Education Caucus, Hawaii State Teachers Association, and two individuals.

Your Committee finds that, based on statewide assessments, most special education students in the State's public school system are performing below their current grade levels in reading and math. Closing the achievement gap between special needs students and their general education peers requires investing in additional resources for special education teachers and classrooms. This measure assists special education classroom teachers in purchasing the supplies and instructional materials they need to adequately differentiate their instruction for their students.

Your Committee has amended this measure by inserting a blank appropriation amount for the Department of Education to provide up to \$1,690 to each special education classroom teacher for instructional materials and equipment.

Your Committee notes that although the appropriation is blank, the Department of Education's testimony requests an appropriation of \$4,000,000 to provide adequate assistance to each special education classroom teacher for instructional materials and equipment.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 392, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 392, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 132 Education on S.B. No. 967

The purpose and intent of this measure is to authorize and appropriate funds for the State Public Charter School Commission to establish and fund charter school prekindergarten classrooms.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, State Public Charter School Commission, Executive Office on Early Learning, Early Learning Board, Kamehameha Schools, Hawaii Children's Action Network, and Early Childhood Action Strategy. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that quality learning experiences in prekindergarten, especially for low-income or at-risk children and their families, have a significant impact on a child's future. These early learning experiences provide a strong foundation for children, facilitating positive growth in developmental and educational areas. This measure increases access to quality early education for more children in the State in supporting their academic success.

Your Committee notes that although the appropriation is blank, an appropriation of \$4,000,000 is necessary to allow the State Public Charter School Commission to establish and fund charter school prekindergarten classrooms in the State.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 967 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 133 Education on S.B. No. 978

The purpose and intent of this measure is to:

- (1) Amend the threshold value of an unclaimed fund claim and the timeline for when that claim becomes void after ten years;
- (2) Specify that unclaimed funds of \$10 or less in the unclaimed property trust fund, upon the expiration of a ten-year time limitation, shall escheat to the State and be transferred to the libraries special fund; and
- (3) Specify that unclaimed funds of more than \$10 but less than \$250 in the unclaimed property trust fund, upon expiration of the ten-year time limitation, shall escheat to the State and be transferred to the general fund.

Your Committee received testimony in support of this measure from the Hawaii State Public Library System and two individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Hawaii's public libraries offer many public benefits, including acting as community gathering places where learning happens and knowledge is shared. Many members of the public, including children and kupuna, rely on the public library system. This measure provides an opportunity to increase support to the Hawaii State Public Library System for the increasing demands of library patrons for library books and materials.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 978 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 134 Education on S.B. No. 980

The purpose and intent of this measure is to define the term "private school", for the purpose of compulsory education, to mean an education institution that teaches kindergarten through grade twelve and that is licensed or accredited by the Hawaii Association of Independent Schools or the Western Association of Schools.

Your Committee received testimony in support of this measure from the Hawai'i Association of Independent Schools; and Hawaii Council of Private Schools, LLC.

Your Committee finds that the Hawaii Council of Private Schools is charged with licensing Hawaii private schools to ensure that all of Hawaii's private and parochial schools are healthy, safe, and sustainable institutions providing a sound education program for Hawaii's children. However, licensing requirements for private schools are optional, rather than mandatory. This measure clarifies the definition of "private school" to provide assurances for parents who choose to send their child to a private school that the school meets certain standards in providing a safe learning environment.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 980 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 135 Energy, Economic Development, and Tourism on S.B. No. 803

The purpose and intent of this measure is to remove a provision designating the Hawaii Convention Center as the location for operation of a Hawaiian Center and the Museum of Hawaiian Music and Dance.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that under existing law, \$79,000,000 of transient accommodations tax revenue is allocated per year to the tourism special fund and of that amount, \$1,000,000 is allocated for the operation of a Hawaiian Center and Museum of Hawaiian Music and Dance at the Hawaii Convention Center. However, your Committee further finds that the Hawaii Convention Center roof must be fixed before the Center can accommodate the operation of a Hawaiian Center and the Museum. This measure will eliminate the requirement for the Hawaiian Center and the Museum to be located at the Hawaii Convention Center, which will allow the roof to be fixed and the Hawaiian Center and the Museum to be moved to a more appropriate location in the interim.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 803 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

### SCRep. 136 Energy, Economic Development, and Tourism on S.B. No. 286

The purpose and intent of this measure is to appropriate funds for the Department of Business, Economic Development, and Tourism.

Your Committee did not receive any testimony on this measure.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the items expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the items expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 286 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

### SCRep. 137 Education on S.B. No. 983

The purpose and intent of this measure is to:

- (1) Rename the teacher national board certification incentive program to the national certification incentive program;
- (2) Expand the national certification incentive program eligibility to include school psychologists;
- (3) Clarify the requirements and incentives of the national certification incentive program;
- (4) Specify that teacher incentives, bonuses, and compensation beyond regular wages are excluded from the per-pupil request and shall be included as separate line item in the budget for public charter schools; and

(5) Appropriate funds to pay for collectively bargained placement bonuses in hard-to-fill schools and national certification incentive program bonuses for public school teachers, public charter school teachers, and school psychologists.

Your Committee received testimony in support of this measure from the Department of Education, State Public Charter School Commission, Office of Hawaiian Affairs, Hawaii Association of School Psychologists, Hawaii State Teachers Association, Kamehameha Schools, and four individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Hawaii continues to suffer from a shortage of qualified teachers and that financial incentives are a key strategy for the recruitment and retention of teachers. National certified education professionals, including school psychologists, are critical to increasing learning growth for students, especially in hard-to-fill schools. Due to resource shortages and low pay experienced by educators working in high-need and economically impaired areas, it is critical to incentivize the pursuit of professional excellence and reward quality educators.

Your Committee has amended this measure by:

- (1) Clarifying the conditions related to employment by the Department of Education in which a school psychologist shall be eligible for the additional \$5,000 incentive; and
- (2) Specifying that the sums appropriated are separate line items to be expended by the Department of Education and State Public Charter School Commission, as appropriate.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 983, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 983, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 138 Human Services on S.B. No. 50

The purpose and intent of this measure is to amend the law relating to human services.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language appropriating funds to the University of Hawaii for the Hawaii Nutrition Employment and Training program.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 50, as amended herein, and recommends that it be recommitted to your Committee on Human Services, in the form attached hereto as S.B. No. 50, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

## SCRep. 139 Transportation on S.B. No. 509

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Transportation, Highways Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Highways Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Upon recommendation by the Department of Transportation, inserting funding for the program ID TRN597, to reflect an increase for fringe benefits and additional funding for the FAST Act 405D Impaired Driving MID project; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 509, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 509, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

## SCRep. 140 Human Services on S.B. No. 227

The purpose and intent of this measure is to make an appropriation to the Department of Human Services to contract with non-profit providers to provide access to legal counsel to immigrants in immigration proceedings.

Your Committee received testimony in support of this measure from Americans for Democratic Action Hawai'i, Aloha State Association of the Deaf, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and six individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party. Your Committee received comments on this measure from the Department of Human Services and Department of the Attorney General.

Your Committee finds that there are many immigrants who seek to continue or obtain legal status in the country. However, the immigration court process is highly complex, which may be intimidating or overwhelming for immigrants who may struggle with navigating a different culture and language. Many immigrants may lack the resources to obtain legal representation, which may have a profound impact on the immigrants' ability to receive a fair hearing.

Your Committee further finds that Hawaii has always embraced a welcoming attitude for people of all backgrounds, nationalities, and ethnicities. According to the 2017 American Immigration Council Fact Sheet, nearly eighteen percent of Hawaii residents are immigrants, while more than one in seven residents is a native-born United States citizen with at least one immigrant parent. Immigrants are an integral part of Hawaii's diverse, multicultural community and make extensive contributions to the State.

Your Committee notes that, given the current political climate and the number of immigrants being detained and faced with deportation, immigrants in Hawaii are in dire need of legal help. For these reasons, your Committee recognizes the vital public policy reasons behind providing legal assistance and legal counsel to immigrants in immigration proceedings, which this measure ensures.

Your Committee has amended this measure by:

- (1) Inserting a purpose section;
- (2) Changing the appropriation from an unspecified amount to \$100,000; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 227, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 227, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 141 Agriculture and Environment on S.B. No. 1351

The purpose and intent of this measure is to streamline and expand the Department of Agriculture's industrial hemp program by authorizing the Department of Agriculture to:

- (1) Allow temporary inspectors to perform industrial hemp inspections;
- (2) Adopt an alternative method of sampling industrial hemp plants; and
- (3) Deposit fees from inspections by temporary inspectors into the certification services revolving fund.

Your Committee received testimony in support of this measure from the Department of Agriculture; We Are One, Inc.; Momilani Farm; and nine individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Department of Agriculture's industrial hemp program only has one employee and needs more staff and resources to expand the program. Your Committee further finds that existing Department seed certifiers are located on three islands and can also perform inspections for the industrial hemp program.

Your Committee finds that this measure gives the Department of Agriculture the needed authority to allow temporary seed inspectors to inspect hemp, deposit inspection fees in the certification services revolving fund, and expand the industrial hemp program in an efficient manner. Your Committee notes that this measure does not include a fee structure but recommends that inspection fees follow a similar fee structure to that of the Department of Agriculture's seed inspections.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1351 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 142 Agriculture and Environment on S.B. No. 1545

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for a biofuel and animal feed facility in Keaau, Hawaii.

Your Committee received testimony in support of this measure from the Department of Agriculture, Agribusiness Development Corporation, Pacific Biodiesel, and Hawai'i Farm Bureau. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that this measure proposes funding for a biofuel and animal feed facility that is the product of a partnership between the Daniel K. Inouye U.S. Pacific Basin Agriculture Research Center and the Agribusiness Development Corporation to research and commercialize zero-waste processes. The focus of the partnership is to identify and transform agricultural waste streams into commercially viable products by processing papaya culls and using the resultant material to ultimately grow algae for biofuel and animal feed. Your Committee finds that this capital improvement project will reduce the impact of the agricultural industry on the environment and create new commercial opportunities for the industry.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1545 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 143 Agriculture and Environment on S.B. No. 1544

The purpose and intent of this measure is to improve food security and self-sufficiency in the State by encouraging the development and implementation of a whole farm system approach to agriculture in Hawaii, which includes establishing a farmer apprentice mentoring program.

Your Committee received testimony in support of this measure from the University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources, Pacific Agricultural Land Management Systems, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Down to Earth, Hawai'i Farmers Union United, Hawai'i Center for Food Safety, A'a Li'i Farm, Kulahaven Farms LLC, Hawai'i Farm Bureau, and twelve individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that there is a need to train current and future local farmers to create a more sustainable State. Your Committee further finds that this measure would establish a farmer apprentice mentoring program to teach farmers about methods to improve soil health through recycling soil nutrients, among other sustainable farming methods and practices. Overall, your Committee finds that this measure will improve food security and self-sufficiency in the State.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1544 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 144 Transportation on S.B. No. 511

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Transportation, Airports Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Airports Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Upon recommendation of the Department of Transportation, inserting debt service revenue bond increases to pay for outstanding revenue bonds; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 511, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 511, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

### SCRep. 145 Higher Education on S.B. No. 315

The purpose and intent of this measure is to appropriate funds to increase the graduate assistant stipend at the University of Hawaii.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Graduate Student Organization of the University of Hawaii at Manoa, Academic Labor United, and numerous individuals.

Your Committee finds that graduate assistants at the University of Hawaii provide academic and program support to academic, administrative, and service units of the university through teaching, research, administrative, and other duties. Graduate assistantships serve as a mechanism to recruit top graduate students to the university, providing graduate students with stipends to cover basic costs. Therefore, increasing the minimum stipend levels for graduate students at the University of Hawaii will positively impact recruitment and retention of graduate students, resulting in greater support for the research mission of the university.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 315 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 146 Higher Education on S.B. No. 317

The purpose and intent of this measure is to appropriate funds to support student mentors and tutors at the University of Hawaii community colleges.

Your Committee received testimony in support of this measure from the University of Hawai'i System and one individual.

Your Committee finds that the student mentor and tutor programs at the University of Hawaii community colleges provide a number of direct benefits that lead to higher levels of student retention and graduation. Peer mentors help students adjust to college life by offering a unique perspective on academic expectations, social opportunities, and available campus resources. Additionally, peer tutors offer a highly effective means of providing supplemental instruction, especially for some of the basic mathematics and English courses. This measure provides essential resources to ensure higher academic achievement and improved personal and social development for students at the community colleges.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 317 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 147 Higher Education on S.B. No. 318

The purpose and intent of this measure is to appropriate funds for three full-time equivalent (3.00 FTE) positions for the custodial and maintenance staff at the University of Hawaii at Hilo.

Your Committee received testimony in support of this measure from the University of Hawai'i System and one individual.

Your Committee finds that over the last five years, the University of Hawaii at Hilo campus has grown with the addition of two new buildings and a third building, the Daniel K. Inouye College of Pharmacy, scheduled to open in the summer of 2019. These additional facilities require upkeep and maintenance to interior and exterior spaces. This measure assists the University of Hawaii at Hilo with maintaining facilities and grounds to attract and retain students and employees who want to learn and work in a twenty-first century environment.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 318 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 148 Commerce, Consumer Protection, and Health on S.B. No. 19

The purpose and intent of this measure is to amend the calculation of surplus lines insurance premium tax to tax the entirety of the premium using the rate established by state law regardless of the location of risk.

Your Committee received testimony in support of this measure from the Wholesale and Specialty Insurance Association and American Property Casualty Insurance Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that surplus lines insurance premium tax is collected differently than standard insurance premium tax for admitted lines. In 2010, Congress passed the Nonadmitted and Reinsurance Reform Act as part of the Dodd-Frank Act, which establishes the insured consumer's "home state" as the one and only jurisdiction to regulate and tax surplus lines transactions, even if parts of the risk are located in other states. Since the Nonadmitted and Reinsurance Reform Act was passed, forty-six states have amended their laws to streamline the taxation of surplus lines premiums on multi-state policies, eliminating time-consuming computation, reporting, allocation, and reconciliation of state-by-state tax monies that ultimately are all retained by the home state.

Your Committee further finds that under existing law, risks that are located outside of Hawaii are taxed on the rate based on where the risk is located, rather than exclusively at the Hawaii tax rate of 4.68 percent. This results in unnecessary regulatory burdens for brokers, requires a different allocation of risk when a consumer resides or operates a business in multiple states, and adds costs of compliance, which ultimately impact the consumer. This measure adopts the provisions of the Nonadmitted and Reinsurance Reform Act, which will reduce regulatory burdens on local surplus lines brokers, simplify compliance procedures, increase nationwide uniformity in surplus lines taxation, and increase premium tax revenue for the State.

Your Committee has amended this measure by changing its effective date to October 1, 2019.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 19, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 19, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 149 Commerce, Consumer Protection, and Health on S.B. No. 911

The purpose and intent of this measure is to appropriate funds to the Hawaii Health Systems Corporation to improve health care services related to cardiac care at Hilo Medical Center.

Your Committee received testimony in support of this measure from the County of Hawai'i Office of the Mayor, Hawaii Health Systems Corporation, East Hawaii Region of Hawaii Health Systems Corporation, West Hawaii Region of Hawaii Health Systems Corporation, Hawaii Island Chamber of Commerce, Hawai'i State Rural Health Association, and over ninety individuals.

Your Committee finds Hawaii County residents suffering from heart problems or strokes are often airlifted to Oahu or Maui to receive critical medical care, yet outcomes for individuals experiencing a cardiac emergency are often determined by how quickly they can reach treatment. An evaluation and airlift to Oahu or Maui can take over two hours, decreasing patients' chances for a full recovery. According to testimony from the Hawaii Health Systems Corporation, Hawaii County has the population size and Hilo Medical Center has the intensive hospital support services and basic infrastructure to successfully deliver emergency cardiac interventions safely and cost-effectively. This measure will enable Hilo Medical Center to expand its offering of interventional cardiology, which will improve health outcomes for Hawaii County residents and ensure that Hilo Medical Center is able to provide these services to the Hilo community in a sustainable fashion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 911 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 150 Commerce, Consumer Protection, and Health on S.B. No. 1214

The purpose and intent of this measure is to implement Section 106 of the U.S. Economic Growth, Regulatory Relief, and Consumer Protection Act (Section 106), which provides a one hundred twenty-day temporary transitional authority to originate loans in this State for loan originators moving from a depository institution to a non-depository institution and state-licensed loan originators moving interstate.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that when loan originators change jobs within the profession, they encounter employment barriers due to state licensing requirements. Nationally, approximately seventy-five percent of the mortgage loan originators who apply for a license would qualify for transitional authority because they are either employed by a depository institution or are licensed in another state. This measure integrates Section 106 into existing law relating to mortgage loan originators by temporarily authorizing qualified mortgage loan originators to originate mortgage loans in the State for one hundred twenty days. During this time, a mortgage loan originator will have the opportunity to complete state requirements for licensure, including pre-education or continuing education, financial responsibility review, and criminal background review, which will ease the employment process for employers without the impact of delays associated with the state licensing process. A mortgage loan originator company also remains responsible for any origination errors caused by a mortgage loan originator with transitional authority, which ensures consumer protection during this transitional period.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1214, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1214, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 151 Ways and Means on S.B. No. 76

The purpose and intent of this short form bill is to amend the law relating to taxation.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with provisions that allow certain taxpayers to claim a nonrefundable income tax credit for the purchase of a personal emergency response system.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 76, as amended herein, and recommends that it be recommitted to your Committee on Ways and Means, in the form attached hereto as S.B. No. 76, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (Harimoto, Kanuha, Kidani, Moriwaki, Shimabukuro, Fevella).

### SCRep. 152 Ways and Means on S.B. No. 1188

The purpose and intent of this measure is to make an emergency appropriation to fund payroll and administrative costs for the Hawaii Community Development Authority.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Business, Economic Development, and Tourism; and Hawaii Community Development Authority.

Your Committee finds that Hawaii Community Development Authority staff salaries for fiscal year 2018-2019 were funded by an appropriation from the Hawaii community development revolving fund. However, that appropriation did not include funds for fringe

benefit costs. Accordingly, this measure makes an additional appropriation to fully fund those salaries, fringe benefits, and administrative costs through the end of the current fiscal year.

Your Committee has amended this measure by:

- (1) Changing the amount appropriated to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1188, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1188, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Kahele, Kidani, Riviere, Shimabukuro, Fevella).

#### SCRep. 153 Ways and Means on S.B. No. 1238

The purpose and intent of this measure is to establish the Executive Office on Aging Administrative Claiming Special Fund to enhance the drawdown of Medicaid-related federal funds to be used to support services for kupuna and individuals with disabilities who need long-term services and support.

This measure also appropriates an unspecified amount out of the Executive Office on Aging Administrative Claiming Special Fund to be expended by the Department of Health.

Your Committee received testimony in support of this measure from the State Health Planning and Development Agency, the Executive Office on Aging, the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and the Maui County Office on Aging.

Your Committee finds that establishing the Executive Office on Aging Administrative Claiming Special Fund will enhance the drawdown of Medicaid-related federal funds, thereby optimizing revenue streams to support services for the especially vulnerable communities of kupuna and individuals with disabilities needing long-term services and support.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1238, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Kahele, Kidani, Riviere, Shimabukuro, Fevella).

### SCRep. 154 Ways and Means on H.B. No. 1

The purpose and intent of this measure is to appropriate funds for the expenses of the Legislature, Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and Hawaii State Ethics Commission.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, Office of the Ombudsman, Legislative Reference Bureau, Office of the Auditor, and one individual.

Your Committee finds that this measure appropriates sufficient funds to defray the necessary expenses of the Senate and House of Representatives up to June 30, 2020, including session and nonsession expenses, the legislative information system cost items, the cost of the legislative broadcasting program, and certain employee vacation payments. This measure also appropriates sufficient funds to defray the necessary expenses of Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and Hawaii State Ethics Commission for fiscal year 2019-2020.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kidani, Taniguchi).

### SCRep. 155 Hawaiian Affairs on S.B. No. 1451

The purpose and intent of this measure is to establish  $L\bar{a}$   $K\bar{u}$  'oko'a, Hawaiian Recognition Day, and to remove Presidents' Day from the list of state holidays.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; INPEACE; Bishop Museum; Papa Ola Lōkahi; Kamehameha Schools; Hawaiian Civic Club of Hilo; We Are One, Inc.; Ku-A-Kanaka; Ka Lāhui Hawaii Political Action Committee; Prince Kūhiō Hawaiian Civic Club; The Association of Hawaiian Civic Clubs; Ke One O Kākuhihewa, Oʻahu Council – Association of Hawaiian Civic Clubs; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Democratic Party of Hawaii, Hawaiian Affairs Caucus; Democratic Party of Hawaii, Hawaiian Affairs Caucus Executive

Committee; and fourteen individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that reestablishing Lā Kū'oko'a as an official state holiday is a way to restore important connections to Hawaii's rich cultural and political history. Establishing Lā Kū'oko'a is a means to honor the cultural foundations our modern state is built on and bring lessons from Hawaii's socially progressive history into the present.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1451 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 156 Hawaiian Affairs on S.B. No. 729

The purpose and intent of this measure is to require the display of candidates for the Board of Trustees of the Office of Hawaiian Affairs, on the ballot by residency and non-residency requirements and to randomize the order of candidate names within those groupings and among precincts.

Your Committee received testimony in support of this measure from the Council for Native Hawaiian Advancement, Pono Leadership Now, eight individuals, and a petition signed by twenty individuals. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that ballot order has been shown to affect election outcomes and the first name on the ballot generally has an advantage over names listed further down the ballot. Your Committee finds that under existing law, candidate names are placed on the ballot in alphabetical order, which results in candidates' ballot positions remaining relatively unchanged from election to election. Randomizing the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs, so that the order of names changes each election and, furthermore, so that in each election the order of names varies in each precinct, will distribute more randomly any advantage that may arise from the order of candidates' names on the ballot.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 729 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 157 Hawaiian Affairs on S.B. No. 728

The purpose and intent of this measure is to align the partial public funding expenditure limit and maximum amount of public funds available for candidates running for the Board of Trustees of the Office of Hawaiian Affairs with the maximum limit and amount imposed on candidates running for the office of lieutenant governor.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Democratic Party of Hawaii – Hawaiian Affairs Caucus, Democratic Party of Hawaiii, Council for Native Hawaiian Advancement, and eight individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Campaign Spending Commission.

Your Committee finds that candidates running for the Board of Trustees of the Office of Hawaiian Affairs who voluntarily agree to participate in the partial public funding program run statewide campaigns but are provided substantially less partial public funding than other statewide candidates. This measure seeks to increase the partial public funding expenditure limit and maximum amount of public funds available for candidates for these Board of Trustees candidates. However, your Committee received testimony indicating that this measure, if enacted, would increase the expenditure limit for Board of Trustees candidates by seven hundred percent. Rather than proceed with such a significant increase, your Committee finds that a more reasonable approach to addressing the funding imbalance for Board of Trustees candidates is to increase only the \$1,500 cap on the maximum amount of public funds available to Board of Trustees candidates, leaving the partial public funding expenditure limit unamended.

Accordingly, your Committee has amended this measure by:

- Removing language to align the partial public funding expenditure limit for candidates for the Board of Trustees of the Office
  of Hawaiian Affairs with the limit imposed on candidates running for the office of lieutenant governor;
- (2) Increasing the maximum amount of public funds available in each election to each Board of Trustees of the Office of Hawaiian Affairs candidate from ten percent to fifteen percent of the expenditure limit established in section 11-423(d), Hawaii Revised Statutes, which the Campaign Spending Commission has indicated in testimony will increase the maximum amount from \$1,500 to \$21,383 per candidate, per election; and
- (3) Increasing the amount a candidate for the Board of Trustees of the Office of Hawaiian Affairs must raise to qualify for public funds from \$1,500 to \$5,000; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 728, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 728, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 158 Energy, Economic Development, and Tourism on S.B. No. 988

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to Mele Associates, Inc. for the provision of electric energy and installation of renewable energy projects in Hawaii.

Your Committee received testimony in support of this measure from Mele Associates, Inc. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Hawaii is well-suited to harness strong trade winds and abundant sunlight as renewable energy to combat climate change and that Mele Associates, Inc., has experience installing renewable energy projects through financing by special purpose revenue bonds. This measure authorizes special purpose revenue bonds to be issued for renewable energy projects, which are in the public interest and for the public health, safety, and general welfare.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 988 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

## SCRep. 159 Energy, Economic Development, and Tourism on S.B. No. 1002

The purpose and intent of this measure is to extend the authorization to issue special purpose revenue bonds to assist Honolulu Seawater Air Conditioning, LLC, under Act 113, Session Laws of Hawaii 2009, as amended by Act 150, Session Laws of Hawaii 2014, until June 30, 2024.

Your Committee received testimony in support of this measure from 350Hawaii; Honolulu Seawater Air Conditioning, LLC; and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that under existing law, the authorization to issue special purpose revenue bonds for Honolulu Seawater Air Conditioning, LLC will expire on June 28, 2019. Due to delays in permitting and regulatory reviews and closings of key customer agreements, Honolulu Seawater Air conditioning, LLC, postponed its earlier sale of special purpose revenue bonds. With construction slated to begin in early 2020, Honolulu Seawater Air conditioning, LLC, expects to use all of its authorized bonds within the next two years. The extended authorization to issue bonds, proposed by this measure, is an important element in securing economically feasible project financing.

Your Committee further finds that upon completion Honolulu Seawater Air conditioning, LLC's, downtown Honolulu project is anticipated to service approximately 14 million square feet of building space, create numerous construction-related jobs, establish the State as a leading authority on the development of seawater air conditioning systems, and have positive environmental benefits.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1002 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

### SCRep. 160 Education on S.B. No. 818

The purpose and intent of this measure is to:

- (1) Establish licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board; and
- (2) Specify that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawai'i Teacher Standards Board, Hawai'i Association of School Psychologists, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Psychological Association. Your Committee received comments on this measure from the Department of Education, Department of the Attorney General, University of Hawai'i System, and Board of Psychology.

Your Committee finds that school psychologists provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally by providing direct educational and mental health services for children and youth, as well as working with parents, educators, and other professionals to create supportive learning and social environments for all children. Your Committee further finds that Hawaii is the only state without certification of licensure for school psychologists, resulting in the State being unable to seek warranted reimbursements from the federal medicaid program for the use of school psychologists in an educational setting. This measure establishes a licensure program to ensure the employment of qualified school psychologists and to allow schools utilizing school psychologists to properly seek available federal medicaid funds.

Your Committee has amended this measure by:

- Specifying that the Hawaii Teacher Standards Board shall determine the manner in which an individual may obtain a license to practice school psychology;
- (2) Deleting language that specified the duties of a licensed school psychologist;

- (3) Deleting language that would have established initial school psychologist licenses and continuing school psychologist licenses; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 818, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 818, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 161 Education on S.B. No. 1158

The purpose and intent of this measure is to establish a general excise tax holiday for consumers and businesses for school supplies sold during the weekend prior to the start of the school year on condition that businesses pass the savings on to consumers.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and one individual. Your Committee received comments on this measure from the Department of Taxation, Department of Education, Department of the Attorney General, and Tax Foundation of Hawaii.

Your Committee finds that Hawaii taxpayers are some of the most overburdened taxpayers in the nation. This burden is most severe when consumers are taxed on critical items needed for school. Additionally, several states have temporary state sales tax holidays. A school supply tax holiday would have the effect of stimulating retail sales and help consumers and retailers alike. This measure allows for residents of this State to retain more of their money to spend in more beneficial ways.

Your Committee has amended this measure by:

- (1) Specifying that the school supply tax holiday shall take place on the weekend two weeks, rather than one week, prior to the first day of public school;
- (2) Deleting language that would have prohibited the exemption of the general excise tax for mail, telephone, electronic mail, or internet orders with businesses operating outside the State;
- (3) Specifying that the general excise tax holiday shall apply to businesses operating with a general excise tax license from the Department of Taxation;
- (4) Expanding the definition of "school supply" to include textbooks; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1158, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1158, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 162 Commerce, Consumer Protection, and Health on S.B. No. 25

The purpose and intent of this measure is to amend the law relating to insurance.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language that amends various portions of the insurance code.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 25, as amended herein, and recommends that it be recommitted to your Committee on Commerce, Consumer Protection, and Health, in the form attached hereto as S.B. No. 25, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 163 Transportation on S.B. No. 512

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Transportation, Harbors Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Harbors Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

 Upon recommendation by the Department of Transportation, reducing the funding for the special maintenance program for program ID TRN395/CB; and (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 512, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 512, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

### SCRep. 164 Hawaiian Affairs on S.B. No. 1295

The purpose and intent of this measure is to amend the election process for the Office of Hawaiian Affairs Board of Trustees so that:

- (1) Of the four at-large seat candidates without an island residency requirement, two must reside in an urban district and two must reside in the rural district; and
- (2) One urban district candidate and one rural district candidate shall be elected in any election cycle.

Your Committee received testimony in support of this measure from Ho'omana Pono, LLC; Democratic Party of Hawaii – Hawaiian Affairs Caucus Executive Committee; and two individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds the population disparity between urban and rural residents generally results in the election of Office of Hawaiian Affairs Board of Trustees candidates who prioritize urban concerns over the concerns of rural residents. Your Committee further finds that because all Board of Trustees candidates participate in statewide elections, urban voters distort elections even for island-specific seats. Therefore, your Committee finds that removing the statewide element of Board of Trustees elections will ensure more accurate representation of and accountability to Office of Hawaiian Affairs constituents.

Your Committee has amended this measure by:

- (1) Limiting voting for Board of Trustees seats with an island or district residency requirement to voters who are residents of the same island or district, respectively;
- (2) Making the new election procedures applicable beginning on January 1, 2024, with the term reduction provision to apply to one trustee elected at the General Election of 2022;
- (3) Changing the effective date to January 1, 2024; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee finds that the amendments to this measure may raise constitutional concerns that merit further consideration and requests that your Committee on Judiciary further examine those issues and concerns should your Committee on Judiciary choose to hear this measure.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1295, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1295, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 165 Ways and Means on S.B. No. 494

The purpose and intent of this measure is to dispose of excess general revenues pursuant to article VII, section 6, of the Hawaii State Constitution.

More specifically, this measure:

- (1) Provides a one-time income tax credit;
- (2) Reappropriates general revenues into the emergency and budget reserve fund; and
- (3) Reappropriates general revenues into the other post-employment benefits trust fund.

Your Committee received comments on this measure from the Department of Budget and Finance and the Tax Foundation of Hawaii.

Your Committee finds that when the balance of the general fund at the close of each of two successive fiscal years has exceeded five per cent of the general fund revenues for both fiscal years, article VII, section 6, of the Hawaii State Constitution requires the Legislature to:

- (1) Provide a tax refund or tax credit to state taxpayers;
- (2) Make a deposit into the emergency and budget reserve fund; or
- (3) Appropriate general funds for:

- (A) Debt service of general obligation bonds issued by the State; or
- (B) Deposit into the other post-employment benefits trust fund.

Your Committee further finds that the aforementioned economic conditions have been met, and that this measure allows the Legislature to decide which of the three constitutionally mandated options is preferable.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 494, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 494, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kidani, Taniguchi).

#### SCRep. 166 Agriculture and Environment on S.B. No. 1359

The purpose and intent of this measure is to require and appropriate funds for the Department of Agriculture to conduct a management and financial audit of the Agribusiness Development Corporation.

Your Committee received testimony in support of this measure from eleven individuals. Your Committee received comments on this measure from the Agribusiness Development Corporation; Office of the Auditor; Department of Agriculture; We Are One, Inc.; Hawai'i Alliance for Progressive Action; Momilani Farm; and seventeen individuals.

Your Committee finds that auditing the Agribusiness Development Corporation would provide greater transparency to the public and help ensure that monies appropriated by the Legislature to the Agribusiness Development Corporation align with the regulations and parameters attached to those funds.

Your Committee notes that there is controversy over whether the Department of Agriculture or the State Auditor should conduct the management and financial audit of the Agribusiness Development Corporation. Your Committee respectfully requests your Committee on Ways and Means to consider the recommendations in the State Auditor's testimony.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$100,000 for the Department of Agriculture to conduct a management and financial audit of the Agribusiness Development Corporation; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1359, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1359, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 167 Judiciary on S.B. No. 97

The purpose and intent of this measure is to require:

- (1) The Office of Elections to join the Electronic Registration Information Center; and
- (2) The State and each county to use the Electronic Registration Information Center to verify voter rolls.

Your Committee received testimony in support of this measure from the Office of Elections, League of Women Voters of Hawaii, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii. Your Committee received comments on this measure from the County Clerk of the County of Kauaii.

Your Committee finds that the participation of eligible voters is important to a healthy democracy. Your Committee further finds that voter registration systems are frequently inefficient and prone to error. This measure will require the Office of Elections and the counties to work with the Electronic Registration Information Center to maintain the accuracy of voter registration rolls in Hawaii. Your Committee additionally finds that election officials and the voter registration system require authorization to access driver's license and civil identification card databases in order to successfully work with the Electronic Registration Information Center.

Accordingly, your Committee has amended this measure by:

- (1) Authorizing election officials and the voter registration system to electronically access driver's license and civil identification card databases; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 97, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 97, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

### SCRep. 168 Judiciary on S.B. No. 105

The purpose and intent of this measure is to clarify that jurors are entitled to reimbursement for reasonable transportation costs to and from the court, including rail fare, bicycle rental, or taxi costs or other hired car services up to a specified amount.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that most citizens of Hawaii who are at least eighteen years old are eligible to be summoned to serve on a jury. Your Committee further finds that the costs associated with service on a jury, including the cost of traveling to and from the courthouse, can be a burden to some jurors. This measure clarifies that the juror travel expenses eligible for reimbursement are not limited to a flat rate per mile travelled or bus fare.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 105 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

#### SCRep. 169 Judiciary on S.B. No. 206

The purpose and intent of this measure is to increase the amount of fines that may be assessed:

- (1) Against a noncandidate committee for violations of organizational report requirements; and
- (2) For violations of advertisement requirements.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and one individual.

Your Committee finds that campaign spending and disclosure requirements are important to the health of the electoral process. Your Committee further finds that fines and other penalties should ideally be flexible enough to be an effective deterrent to candidate and noncandidate committees of various levels of financial resources. Your Committee additionally finds that linking the maximum fine amount to the level of expenditure made by the violating committee is an effective way to accomplish that flexibility. Your Committee also finds that it would be impracticable for the Campaign Spending Commission to determine the total amount of contributions and expenditures of a committee at the time of a violation, and that basing the maximum amount of the fine for a violation off a percentage of the total expenditure for a violating advertisement is more efficient.

Your Committee has amended this measure by:

- (1) Increasing the minimum fine for campaign advertising disclaimer violations to \$150; and
- (2) Changing the maximum fine for campaign advertising disclaimer violations to twenty-five percent of the total expenditure for the advertisement lacking the proper disclaimer.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 206, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 206, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

### SCRep. 170 Judiciary on S.B. No. 288

The purpose and intent of this measure is to appropriate funds for the Department of the Attorney General.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium. Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee notes the testimony of the Department of the Attorney General requesting \$83,197,833 in funding for fiscal year 2019-2020 for programs ATG100 and ATG231, comprising 470.33 permanent positions and 66.72 temporary positions, and \$82,939,033 in funding for fiscal year 2020-2021 for programs ATG100 and ATF231, comprising 469.78 permanent positions and 66.72 temporary positions.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 288 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

### SCRep. 171 Judiciary on S.B. No. 852

The purpose and intent of this measure is to clarify that reimbursement to crime victims includes lost earnings, mental health treatment, counseling, and therapy.

Your Committee received testimony in support of this measure from the Hawai'i Psychological Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that ambiguity exists as to what losses are eligible for reimbursement to victims of crimes. Your Committee further finds that losses suffered by victims of crimes can include things such as the cost of damaged or stolen property and hospitalization, as well as lost earnings and the cost of mental health treatment. Your Committee additionally finds that in order for the victim of a crime to be made as whole as possible, a broader range of losses should be explicitly made eligible for reimbursement, which is what this measure aims to do.

Your Committee has amended this measure by:

- (1) Removing redundant statutory language;
- (2) Changing the effective date to July 1, 2019; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 852, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 852, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

### SCRep. 172 Education on S.B. No. 912

The purpose and intent of this measure is to:

- (1) Allow charter schools to use appropriated funds for facilities improvement, rental, and construction, as well as other infrastructure improvements; and
- (2) Appropriate funds for the State Public Charter School Commission to allocate to charter schools for facilities and infrastructure improvements.

Your Committee received testimony in support of this measure from the State Public Charter School Commission, Office of Hawaiian Affairs, Hawaii State Teachers Association, Kamehameha Schools, and Democratic Party of Hawaii Education Caucus.

Your Committee finds that facilities funding is the greatest financial burden upon public charter schools. As a result, many charter schools improvise by using temporary structures for instruction. By providing resources for facilities and infrastructure improvements, these public charter schools can continue to provide quality education in facilities that help to ensure the financial, academic, and organizational health of public charter schools.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 912, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 912, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 173 Education on S.B. No. 937

The purpose and intent of this measure is to appropriate funds for the State Public Charter School Commission to allocate to charter schools for meal service costs.

Your Committee received testimony in support of this measure from the Department of Education, State Public Charter School Commission, Kualapu'u Public Conversion Charter School, Waimea Middle School, Hawaii State Teachers Association, Hawaii Appleseed Center for Law and Economic Justice, Hoʻokākoʻo Corporation, and three individuals.

Your Committee finds that there are thirty-seven charter schools serving approximately twelve thousand students, all of whom should have equal access to appropriate food services, but this is currently not the case. A majority of public charter school students meet the poverty threshold for free or reduced lunch; however, many charter schools report that they are unable to access National School Lunch Program subsidies for a number of reasons. As a result, these schools must either ask students to bring their own lunch or purchase lunch from a vendor or provide lunch to students at the free or reduced rate and waive the subsidy, neither of which is satisfactory or fair to the schools and their students. Providing equal access to food services for charter school students ensures that all public school students are provided quality education and school meals.

Your Committee notes that the Department of Education should find ways to collaborate with public charter schools so that all students have access to appropriate food services.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 937, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 937, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 174 Education on S.B. No. 970

The purpose and intent of this measure is to require and appropriate funds for the Department of Education to establish a program with eligible entities to develop and implement teacher professional development for computer science courses and content.

Your Committee received testimony in support of this measure from the Department of Education and Hawaii State Teachers Association.

Your Committee finds that there is a disparity between the demand for computer science education and its availability as only forty percent of schools offer such courses. The integration and prioritization of computer science curriculum in public schools begins with teachers receiving relevant training. This measure ensures that teachers will receive high-quality professional development in computer science to prepare students for fields related to computer science that have the potential to drive job growth and innovation throughout the economy.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 970 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

### SCRep. 175 Education on S.B. No. 971

The purpose and intent of this measure is to appropriate funds for a scholarship program to be directed and administered by the Department of Education to make awards to students pursuing a degree in teaching at a state accredited institution of higher education for successful completion of one course in computer science.

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that there is a disparity between the demand for computer science education and its availability as only forty percent of schools offer such courses. In order to compete nationally and globally, Hawaii students need access to comprehensive, grade appropriate computer science courses taught by teachers who are educated in computer science. This measure encourages students who are pursuing a degree in teaching to complete at least one computer science course and heightens the importance of computer science skills, knowledge, and disposition.

Your Committee notes that although the appropriation is blank, an appropriation amount of \$100,000 is necessary to establish and administer the scholarship program for students pursing a degree in teaching and who successfully complete one course in computer science.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 971 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 176 Education on S.B. No. 1515

The purpose and intent of this measure is to:

- (1) Establish the Hawaii three to six out-of-school program;
- (2) Create the Hawaii three to six out-of-school program special fund;
- (3) Provide a single funding source to fund after-school programs included in the Hawaii three to six out-of-school program; and
- (4) Appropriate funds for the Hawaii three to six out-of-school program.

Your Committee received testimony in support of this measure from the Department of Education, Kamehameha Schools, Hawaii Youth Services Network, Hawaii Afterschool Alliance, Pacific American Foundation, Kū-A-Kanaka LLC, Kama'aina Kids, and three individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that out-of-school programs can complement learning and expose students to the arts, culture, literacy, fitness, math, science, character development, and community service. However, many out-of-school programs offered by community organizations are expensive and often inaccessible due to the high demand for services driven by lack of out-of-school programming throughout the State. This measure provides support for out-of-school programs in the State to provide youth with a variety of educational out-of-school activities that build character and self-esteem.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1515 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

### SCRep. 177 Human Services on S.B. No. 230

The purpose and intent of this measure is to specify that a minor may consent to emergency shelter if a provider of no cost emergency shelter and services is coordinating with child welfare service.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services and Hawaii Youth Services Network.

Your Committee finds that additional shelter and transitional living beds are currently needed for minors. Homeless minors would benefit from shelter and services programs designed for young adults aged twenty-four or younger who have similar developmental, educational, and workforce preparation needs. This measure is intended to expand the number of shelter beds available to unaccompanied minors by providing a minor with the ability to consent to emergency shelter services if a provider of a no-cost emergency shelter and services is coordinating with Child Welfare Services.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 230 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 178 Human Services on S.B. No. 1022

The purpose and intent of this measure is to establish a Child Welfare Services Task Force to review the Child Welfare Services Branch and examine best practices that will help to improve child care safety through the Child Welfare Services Branch.

Your Committee received testimony in support of this measure from East Hawaii Friends of Foster Families, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committee received comments on this measure from the Department of Human Services, Hawaii Family Advocacy Team, and one individual.

Your Committee finds that in a 2017 review conducted by the Federal Department of Health and Human Services Administration for Children and Families, the Child Welfare Services Branch was found to have made no improvements from the previous evaluation conducted in 2009. The review further stated that the Child Welfare Services Branch only met five of the seven systematic factor categories, which were identical to the results in the 2009 evaluation. Your Committee further finds that there are other concerns about the Child Welfare Services Branch, including vacant positions within the agency, insufficient quality and frequency of caseworker visits, children remaining in foster care beyond fifteen months with no viable goal, and maltreatment allegations in pending cases not being formally investigated. This measure establishes a task force to directly address these concerns and make legislative recommendations to improve the Child Welfare Services Branch and provide the necessary protections for the State's children.

Your Committee has amended this measure by:

- Amending the composition of the task force to include a current or former foster youth, resource caregiver, biological parent of
  a current or former foster youth, and frontline Child Welfare Services social worker, to be appointed by the Department of
  Human Services;
- (2) Clarifying that the Department of Human Services may appoint additional members to the task force; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1022, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1022, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 179 Human Services on S.B. No. 569

The purpose and intent of this measure is to:

- (1) Include programs and activities that receive federal financial assistance, other than Department of Education and charter schools, within the meaning of programs and activities receiving state financial assistance;
- (2) Reiterate the Legislature's intent of ensuring non-discriminatory access to state financially assisted programs, as it relates to the Hawaii Civil Rights Commission's jurisdiction; and
- (3) Exclude public and charter schools from the Hawaii Civil Rights Commission's disability discrimination jurisdiction.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, Disability and Communication Access Board, and LGBT Caucus of the Democratic Party of Hawai'i. Your Committee received testimony in opposition to this measure from the University of Hawai'i System. Your Committee received comments on this measure from Hawaii Disability Rights Center.

Your Committee finds that since its enactment, section 368-1.5, Hawaii Revised Statutes (HRS), has been the state counterpart to Section 504 of the federal Rehabilitation Act, which prohibits disability discrimination in federally-funded programs and services. However, in a 2017 Hawaii Supreme Court case, *Hawaii Technology Academy and the Department of Education v. L.E. and Hawaii Civil Rights Commission*, the court held that section 368-1.5, HRS, did not apply if protections under Section 504 were applicable.

Unfortunately, this decision rendered section 368-1.5, HRS, nearly superfluous, as nearly all state departments receive federal funds and are subject to Section 504, and eliminated an avenue of redress for Hawaii residents who believe they have been aggrieved. Your Committee further finds that this measure returns section 368-1.5, HRS, to its original legislative intent and again provides an avenue for state jurisdiction in the investigation of complaints of discrimination on the basis of disability in programs receiving state financial assistance.

Your Committee has amended this measure by:

- Deleting language that would have excluded Department of Education and charter schools from the Hawaii Civil Rights Commission's jurisdiction over disability discrimination claims; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 569, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 569, S.D. 1, and be referred to your Committees on Labor, Culture and the Arts and Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

SCRep. 180 (Joint) Human Services and Agriculture and Environment on S.B. No. 390

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to create a dollar-for-dollar matching program for beneficiaries of the federal Supplemental Nutrition Assistance Program (SNAP) to purchase Hawaii-grown produce; and
- (2) Appropriate funds for administration of the program and to provide matching funds to SNAP beneficiaries.

Your Committees received testimony in support of this measure from the Department of Health; American Heart Association; Obesity Prevention Task Force; K & R Enterprises; Hawai'i Primary Care Association; Hawai'i Alliance for Community-Based Economic Development; AlohaCare; Hawaii Food Industry Association; Kaho'omiki, the Hawai'i Council of Physical Activity and Nutrition; Hawaii Foodbank; Hawaii Appleseed Center for Law and Economic Justice; O'ahu County Committee of Legislative Priorities of the Democratic Party of Hawai'i; We Are One, Inc.; Humanity's Team; American Diabetes Association; Sierra Club of Hawai'i; Local Food Coalition; Blue Zone Projects; Hawai'i Farm Bureau; Ka Ohana O Na Pua; Maui Farmers Union United; A'a Li'i Farm; Hawai'i Public Health Institute; Maui Mobile Marine; Hawaii Farmers Union; Green Wheel Food Hub; Lokoea Farms; Hawai'i Center for Food Safety; Hawai'i Community Foundation; and over forty individuals. Your Committees received comments on this measure from the Department of Human Services and Department of Agriculture.

Your Committees find that consumption of fresh fruits and vegetables are in integral part of a healthy diet and central to the prevention of obesity and chronic disease. Your Committees also find that every community should have access to fresh and healthy dietary options, but the high cost of fresh produce often makes this difficult. This challenge is felt acutely by participants in the federal SNAP, a low-income population that struggles to afford healthy food. Your Committees further find that a double up food program would expand the access to healthy foods for low-income residents who are eligible for SNAP benefits and would also provide a financial benefit to local growers by requiring the Department of Agriculture to develop a dollar-for-dollar matching program for SNAP beneficiaries who use their benefits to purchase Hawaii-grown produce. Your Committees find that this measure provides a mechanism by which low-income residents can have greater access to locally grown fresh foods and at the same time support local farmers.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 390, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 390, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 181 Government Operations on S.B. No. 698

The purpose and intent of this measure is to codify the seventeen United Nations' Sustainable Development Goals and incorporate existing State sustainability goals, such as the Aloha+ Challenge, Sustainable Hawai'i Initiative, and World Conservation Congress Hawaii Commitments.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Transportation, Department of Agriculture, Department of Human Services, Office of Hawaiian Affairs, Office of Planning, The Nature Conservancy, Kamehameha Schools, Hawaii Green Growth Local 2030 Hub, Planned Parenthood Votes Northwest and Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Surfrider Foundation Hawaii Chapter, Sierra Club of Hawaii, and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that environmental conservation and sustainability are of utmost importance to combat the impacts of climate change in Hawaii. However, existing state law lacks measurable goals and enforcement mechanisms and needs to be refined. Your Committee further finds that the United Nations' Sustainable Development Goals are a set of seventeen guidelines that represent a

commitment to conservation, sustainability, and economic development. Codifying these goals will supplement the State's existing sustainability goals, empower collective government and private conservation efforts in Hawaii to preserve and improve the State's communities and environment, and contribute to global efforts designed to build a more sustainable future for the world.

Your Committee supports the adoption of the Sustainable Development Goals, but notes that further discussion is needed regarding certain aspects of this measure. Specifically, your Committee encourages the reexamination of all benchmark deadlines in this measure, due to their immediacy, including but not limited to the 2020 deadline for managed and diversified seed and plant banks, as stated in Goal 2; the 2020 deadline to double local food production, as stated in Goal 2; and the 2020 deadline to regulate fisheries, as stated in Goal 14.

Your Committee also requests the reexamination of benchmark accomplishment percentages throughout this measure, including but not limited to protecting thirty percent of priority watersheds, as stated in Goal 6, and conserving thirty percent of coastal and marine areas, as stated in Goal 14. Your Committee notes that further clarification of these percentages is also needed, including the potential to add completion dates for these percentages and whether there is a need to increase the percentages beyond any accompanying completion date.

Your Committee understands the concerns about renewable energy and believes that further discussion is needed regarding whether to amend or define certain definitions. Specifically, your Committee has heard the testimony that Goal 7, relating to affordable and clean energy, may need to be clarified. Although Goal 7 currently references "cleaner fossil-fuel technology", your Committee is concerned that any mention of fossil fuels in Goal 7 would be misaligned with the underlying intent of the sustainable clean energy goal.

Your Committee also encourages clarification of specifics for any request for support, including increased capacity and funding, as indicated in the testimony from the Departments of Land and Natural Resources, Transportation, Agriculture, and Human Services and the Office of Planning.

Finally, your Committee would like to emphasize that, pursuant to the State Constitution and statutory mandates, it is important to identify Important Agricultural Lands (IAL) to ensure long term dedication of land for agricultural production and preservation from non-agricultural development. Your Committee recommends incorporating this metric as a measure of success for the goals relating to sustainable food production and health.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 698, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 698, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 182 Government Operations on S.B. No. 647

The purpose and intent of this measure is to increase the membership of the State Capitol Management Committee by including the Lieutenant Governor and the Lieutenant Governor's Chief of Staff and prohibit the Lieutenant Governor from being represented on the committee by a designee.

Your Committee received testimony in support of this measure from the Office of the Lieutenant Governor. Your Committee received comments on this measure from one individual.

Your Committee finds that currently, the Lieutenant Governor is not part of the State Capitol Management Committee. Your Committee further finds that adding the Lieutenant Governor to the State Capitol Management Committee as its chairperson and requiring an annual report regarding the Committee's work, recommendations, and expenditures will promote transparency.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Lieutenant Governor to submit an annual report to the Legislature regarding the State Capitol Management Committee detailing the number of meetings; outcomes or actions; and number, dollar amount, and purpose of each Committee expenditure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 647, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 647, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 183 Government Operations on S.B. No. 500

The purpose and intent of this measure is to expand the duties and responsibilities of the Lieutenant Governor to include managing and overseeing public tours of the state capitol, managing vacancies on state boards and commissions, processing applications to serve on boards and commissions, and any other applicable administrative duties.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Office of the Governor and Office of the Lieutenant Governor.

Your Committee finds that currently, the duties of the Lieutenant Governor are not specifically defined. This measure expands the duties and responsibilities of the Lieutenant Governor to include managing and overseeing public tours of the state capitol and certain aspects of the state board and commission process.

Your Committee further finds that boards and commissions have traditionally been a gubernatorial function. Amendments are therefore needed to ensure that much of the oversight of state boards and commissions remains with the Governor.

According to testimony from the Office of the Governor, the Governor and Lieutenant Governor are currently working together on a strategy to collaborate more effectively. Collaboration between the Offices of the Governor and Lieutenant Governor is important, however, so is a more specific definition of the administrative role of the Lieutenant Governor. Your Committee respectfully requests that the Offices of the Governor and Lieutenant Governor bring forward any further clarifications about the role of the Lieutenant Governor as this measure moves through the legislative process.

Your Committee has amended this measure by:

- (1) Clarifying that the duties and functions of the Lieutenant Governor include only the maintenance and publication of a list of vacancies on state boards and commissions;
- (2) Deleting other proposed administrative duties and functions of the Lieutenant Governor relating to state boards and commissions, including management of vacancies and processing of applications; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 500, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 500, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 184 Commerce, Consumer Protection, and Health on S.B. No. 712

The purpose and intent of this measure is to amend the Hawaii Real Property Tax Act by removing foreign partnerships, foreign limited liability companies, and foreign limited liability partnerships from the definition of "resident person".

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Taxation, Department of the Attorney General, and Tax Foundation of Hawaii.

Your Committee finds that the Hawaii Real Property Tax Act (HARPTA) is a method of collecting taxes that may be due on a real estate transaction. Your Committee notes that as HARPTA is not a tax on real estate transactions and Hawaii's state income tax requirements apply equally to residents and nonresidents, this measure does not impose a burden on interstate commerce. Furthermore, residents and nonresidents must both pay Hawaii income tax on capital gains recognized on the sale of real property located in Hawaii, unless the gain can be excluded under Hawaii income tax law. Many nonresidents never realized they were subject to Hawaii taxation and did not file a Hawaii income tax return or pay taxes when they sold a Hawaii property. HARPTA therefore requires a purchaser to withhold a percentage of the sales price when acquiring Hawaii real property from a nonresident seller and remit the amount withheld directly to the State. However, sellers and transferors who are Hawaii resident persons are exempt from this requirement. This measure removes foreign partnerships, foreign limited liability companies, and foreign limited liability partnerships from the definition of "resident person", making these entities ineligible for the HARPTA withholding exemption.

Your Committee has amended this measure by:

- (1) Clarifying the foreign entities that are expressly excluded from the definition of "resident person" under HARPTA;
- (2) Specifying that the measure applies to taxable years beginning after December 31, 2019; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 712, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 712, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

# SCRep. 185 Commerce, Consumer Protection, and Health on S.B. No. 1027

The purpose and intent of this measure is to require health insurance policies and contracts issued after December 31, 2019, to provide coverage for the cost of hearing aids, up to \$1,500 per hearing aid for each hearing-impaired ear, with replacement coverage provided every thirty-six months.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board; Oʻahu County Committee on Legislative Priorities of Democratic Party of Hawaiʻi; Isle Interpret, LLC; AARP of Hawaii; and three individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, and Hawaii Medical Service Association.

Your Committee finds that hearing aids are expensive and current insurance is limited and requires a large co-payment. This prevents many individuals and families from obtaining hearing aids that would improve their access to information, quality of education, communication abilities, quality of life, and employment opportunities. Your Committee further finds that approximately

eighty-five percent of individuals with hearing loss go untreated, which ultimately results in higher health care costs and longer hospitalization, readmissions, and more visits to an emergency room. Your Committee further finds that in 2014, the Auditor submitted a sunrise study on the advisability of mandating insurance coverage for hearing aids, as proposed in S.B. No. 309, S.D. 1, Regular Session of 2013. The 2014 Auditor's report found that most insurance plans in Hawaii already covered or planned to cover the cost of hearing aids by 2015 but expressed concerns that S.B. No. 309, S.D. 1, had no limits on coverage, such as minimum or maximum costs covered by insurers or frequency of replacement. This measure addresses the concerns raised in the 2014 Auditor's report and includes a minimum coverage benefit of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months. Accordingly, a second impact assessment report is unnecessary.

Your Committee has heard the testimony from the Departments of the Attorney General and Commerce and Consumer Affairs, regarding the possibility that the mandated benefit under this measure may be considered an additional mandate for qualified health plans, which could potentially require state funds to defray the cost. Your Committee acknowledges these concerns and requests further consideration of these financing concerns by your Committee on Ways and Means.

Your Committee has amended this measure by:

- Clarifying that this measure shall be exempt from the Auditor's impact assessment report requirement under section 23-51, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1027, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1027, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 186 Commerce, Consumer Protection, and Health on S.B. No. 1246

The purpose and intent of this measure is to establish permanent resources, including a telehealth advisory council, state telehealth coordinator, and telehealth administrative simplification working group, to help achieve Hawaii's goal of establishing telehealth as a community standard for health care access.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Psychological Association, Healthcare Association of Hawaii, Hawai'i Primary Care Association, Hawaii Chapter of the American Physical Therapy Association, The Queen's Health Systems, and Hawaii Medical Service Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that telehealth is a proven way to facilitate timely access to quality health care, improve health outcomes, reduce the incidence of avoidable urgent and emergency care, and ensure equitable distribution of health care providers. Telehealth allows health care providers to treat patients in settings that are more convenient and comfortable for the patient, which facilitates a patient-centered approach for delivery of health care services.

Despite the removal of several long-standing barriers to telehealth adoption, telehealth utilization remains low. Your Committee finds this measure increases the visibility of telehealth, provides the Department of Health and its partners resources needed to continue working with community stakeholders, and moves the State closer to achieving its telehealth goals.

Your Committee has amended this measure by:

- (1) Amending the definition of "telehealth" for conformity with existing definitions under the State's insurance laws;
- Clarifying certain requirements for the Strategic Telehealth Advisory Council, including the maximum number of members and selection of a chairperson;
- $(3) \quad \text{Establishing quorum requirements for the Strategic Telehealth Advisory Council}; \\$
- (4) Clarifying the role and responsibilities of the telehealth administrative simplification working group and clarifying that the working group is exempt from the sunshine law, rather than the entirety of chapter 92, Hawaii Revised Statutes;
- (5) Making the appropriation for the state telehealth coordinator position effective on July 1, 2019; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1246, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1246, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

### SCRep. 187 Commerce, Consumer Protection, and Health on S.B. No. 1410

The purpose and intent of this measure is to appropriate funds to increase the bed count at the Ka'u Hospital emergency room by four beds.

Your Committee received testimony in support of this measure from the County of Hawai'i Office of the Mayor and Ka'u Hospital and Rural Health Clinic.

Your Committee finds that the Ka'u Hospital emergency department serves approximately three thousand patients per year. Almost one-third of the hospital's emergency department patients have medical issues that are non-emergent or could be handled more cost effectively in an urgent care setting. However, due to limited access to primary care providers and the restricted hours of the Rural Health Clinic, located within Ka'u Hospital, patients turn to expensive emergency care as a last resort. Your Committee further finds that expanding the Rural Health Clinic's space and hours of operation to include urgent care and behavioral health services would be a highly effective way to reduce costs and the need for emergency services, while increasing access to care.

Your Committee has amended this measure by changing the purpose of the appropriation from increasing the bed count at the Ka'u Hospital emergency room to supporting the expansion of the Ka'u Rural Health Clinic, thereby reducing the need for emergency services.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1410, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1410, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

### SCRep. 188 Commerce, Consumer Protection, and Health on S.B. No. 1465

The purpose and intent of this measure is to require mental health insurers to cover certain expenses related to petitions and hearings for persons obtaining assisted community treatment.

Your Committee received testimony in support of this measure from the Hawai'i Psychological Association; Mental Health America of Hawai'i; Partners in Care; Institute for Human Services, Inc.; Hawaii Kai Homeless Task Force; and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, and Hawaii Medical Service Association.

Your Committee finds that Assisted Community Treatment (ACT) was passed by the Legislature in 2013 and was intended to help people who are so impacted by mental illness that they are unable to recognize the need for their own treatment and are unresponsive to repeated homeless outreach efforts. Your Committee further finds that these individuals have a right to treatment in light of these circumstances. ACT enables a court to order individuals like these, who meet very specific criteria, to receive treatment in the community. Your Committee also finds that severely mentally ill and substance addicted, unsheltered homeless impose the greatest financial burden on communities. The aggregate cost for emergency medical services, law enforcement, repair and cleanup of property, and homeless sweeps amounts to hundreds of millions of dollars per year.

Your Committee additionally finds that filing an ACT petition is a complex process that requires the services of a psychiatrist or advanced practice registered nurse with prescriptive authority and psychiatric specialization. Neither the community nor most family members have the financial resources to pay for such services.

This measure requires ACT petition services to be a covered benefit under health insurance policies and plan contracts. The covered benefits under this measure will improve the ACT process, make successful ACT petitions more feasible, and bring more people with untreated mental illness out of homelessness and into recovery. Your Committee notes that this measure also ensures continued parity between mental health covered benefits and physical health covered benefits issued under health insurance policies and plan contracts in the State.

Your Committee has amended this measure by:

- Clarifying that this measure shall be exempt from the impact assessment report requirements under section 23-51, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1465, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1465, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 189 Commerce, Consumer Protection, and Health on S.B. No. 226

The purpose and intent of this measure is to appropriate funds for youth suicide early intervention, prevention, and education initiatives in Kauai and Hawaii counties.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Island Prevent Suicide Task Force, Hawaii' Pacific Health, Mental Health America of Hawaii', Injury Prevention Advisory Committee, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawaii', Democratic Party of Hawaii Family Forum, Sutter Health Kāhi Mōhala, and seven individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that suicide is the leading cause of injury-related deaths for fifteen to twenty-four year olds in Hawaii, yet youth suicide may be preventable when communities have sufficient resources in place to support early intervention, prevention, and education initiatives. Your Committee further finds that youth suicide rates are significantly higher for all neighbor island counties

compared to the City and County of Honolulu. Therefore, your Committee believes it is appropriate to provide funding for youth suicide early intervention, prevention, and education programs for all three neighbor island counties.

Your Committee has amended this measure by:

- (1) Adding an appropriation of an unspecified amount to support youth suicide early intervention, prevention, and education initiatives in Maui County; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 226, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 226, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

### SCRep. 190 Commerce, Consumer Protection, and Health on S.B. No. 817

The purpose and intent of this measure is to:

- (1) Authorize the sale of stored property insurance by self-service storage facility owners under certain conditions; and
- (2) Require self-service storage owners to hold a limited lines license to sell, solicit, or offer coverage under a stored property insurance policy.

Your Committee received testimony in support of this measure from the Self Storage Association and StorQuest Self Storage. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that property stored in a self-service storage unit is in the care, custody, and control of the storage tenant. Therefore, the storage tenant is responsible for insuring the property. Approximately fifty percent of storage tenants are in transition and do not have a homeowner's policy or renter's insurance policy covering their stored property, while tenants that do have homeowner's or renter's insurance are subject to a much larger deductible. Your Committee further finds that stand-alone insurance coverage for stored property is not typically offered by insurance agents because the commission payments are low. Thirty-one states have solved this gap in coverage by allowing self-service storage facilities to offer their tenants storage insurance, which generally has low monthly premiums and low deductibles. This measure fills the existing gap in the State's insurance market and allows licensed self-service storage facility owners to provide stored property insurance.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 817, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 817, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 191 Commerce, Consumer Protection, and Health on S.B. No. 1215

The purpose and intent of this measure is to authorize the Commissioner of Financial Institutions to:

- Modify requirements and make new requirements to implement changes and improvements to the Nationwide Multistate Licensing System and Registry (NMLS);
- (2) Issue cease and desist orders against licensees and unlicensed persons; and
- (3) Enter into consent orders.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that NMLS is a web-based nationwide licensing system that streamlines workflows and communications for applicants, licensees, and the Division of Financial Institutions. Currently, the Division of Financial Institutions cannot accept electronic bonds uploaded by an insurance carrier through NMLS due to the requirements in existing law that bond riders or endorsements must be provided directly to the Commissioner of Financial Institutions (Commissioner), or surety bonds filed with the Commissioner. This measure gives the Commissioner authority to expand its uses of NMLS in accordance with the current practice of other states and better manage the licensure of mortgage servicers.

Your Committee further finds that, currently, the Commissioner may only issue proposed cease and desist orders, which have no immediate effect in the event that a licensee's violation is likely to cause immediate and irreparable harm to a consumer. Moreover, because the Commissioner also has no authority to enter into consent orders, administrative proceedings can last a number of years, wasting time and resources. This measure authorizes the Commissioner to enter into consent orders and issue cease and desist orders for violations for licensees and unlicensed persons, which will enable the Commissioner to quickly minimize consumer harm, expedite decisions, and save resources.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1215 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 192 (Joint) Energy, Economic Development, and Tourism and Hawaiian Affairs on S.B. No. 1007

The purpose and intent of this measure is to redirect the \$1,000,000 of transient accommodation tax revenues for the operation of a Hawaiian Center and Museum of Hawaiian Music and Dance from the Hawaii Convention Center to the State of Hawaii Museum of Natural and Cultural History.

Your Committees received testimony in support of this measure from the Hawai'i Tourism Authority and Bishop Museum. Your Committees received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committees find that the perpetuation of Hawaiian culture and dance is an important initiative and the Bishop Museum, officially designated in state law as the State of Hawaii Museum of Natural and Cultural History, is well equipped to house and maintain a Hawaiian Center and Museum of Hawaiian Music and Dance. This measure amends the allocation of transient accommodations tax revenues for a Hawaiian Center and the Museum to assign the Bishop Museum the duty of planning, designing, and constructing the Center and Museum on the Bishop Museum's property.

Your Committees suggest using a combination of cash and general obligation bonds to fund the operation of a Hawaiian Center and Museum of Hawaiian Music and Dance at the Bishop Museum.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1007 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 193 (Joint) Energy, Economic Development, and Tourism and Government Operations on S.B. No. 992

The purpose and intent of this measure is to require that the management contract for the Hawaii Convention Center be separate from the contract for marketing for all uses of the facility.

Your Committees received testimony in support of this measure from the Hawai'i Tourism Authority.

Your Committees find that under existing law, the management contract for the Hawaii Convention Center must also include the marketing of the facility. This measure separates the management contract from the marketing contract, the Hawaii Tourism Authority to centralize sales effort for all business relating to meetings, conventions, and incentives. In addition, centralizing the sales effort will improve efficiencies in staffing, marketing, travel and sales technology, and leverage existing destination branding and messaging for the meetings, conventions, and incentives market.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 992 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Government Operations: Ayes, 5. Noes, none. Excused, none.

# SCRep. 194 Energy, Economic Development, and Tourism on S.B. No. 1291

The purpose and intent of this measure is to appropriate funds into and out of the alternative energy research and development revolving fund for the Hawaii Technology Development Corporation to provide grants.

Your Committee received testimony in support of this measure from the Hawaii Technology Development Corporation, Oceanit, Makai Ocean Engineering, and one individual.

Your Committee finds that Hawaii's alternative energy and research development program, a two-year program established pursuant to Act 67, Session Laws of Hawaii 2018, is an integral part in making the entire State energy sustainable. Hawaii is fortunate that it has diverse resources, such as solar, wind, hydro, bioenergy, and geothermal, that are ideal for the development of clean energy. This measure appropriates funds that will allow for the continuation of this program, which will keep high-paying, high-skilled jobs in Hawaii and enable Hawaii's technology industry to compete and win more federal monies for technology development.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1291 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 195 Agriculture and Environment on S.B. No. 1527

The purpose and intent of this measure is to ban the sale of beverage containers connected to each other by plastic six-pack rings, in order to decrease the number of plastic pollutants in water and in natural habitats of wild species.

Your Committee received testimony in support of this measure from the Mid-Pacific Institute, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Retail Merchants of Hawaii, Maui Brewing Co., and American Chemistry Council. Your Committee received comments on this measure from the Department of Health and Department of Land and Natural Resources.

Your Committee finds that plastic ring bindings have been harming marine environment and wildlife for decades. In 2014, the National Oceanic and Atmospheric Administration removed fifty-seven tons of marine debris from the Hawaiian islands. Almost forty percent of the Hawaiian humpback whales migrating to Hawaii each winter have been entangled at least once.

Your Committee also finds that while there have been advances made in the past to reduce the plastic ring problem, the lack of visible improvement demonstrates the need for a new solution.

Your Committee finds that banning the sale of products that are likely to introduce six-pack rings into the waste stream will make the ocean a safer place for wildlife to live, given that these rings cause entanglement and deformation in marine life.

Your Committee has amended this measure by:

- (1) Creating the plastic reduction special fund and directing fines to this fund;
- (2) Changing up the effective date from January 1, 2023, to January 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1527, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1527, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 196 Hawaiian Affairs on S.B. No. 190

The purpose and intent of this measure is to appropriate funds for the 2019-2021 fiscal biennium for operations of the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands; Office of Hawaiian Affairs; Ho'omanapono Political Action Committee; Ka Lāhui Hawai'i Political Action Committee; Association of Hawaiian Civic Clubs, Moku o Keawe - Hawai'i Council; Aina Ho'okupu o Kilauea; Prince Kūhiō Hawaiian Civic Club; Association of Hawaiian Civic Clubs; We Are One, Inc.; Ke Kula 'o Samuel M. Kamakau Laboratory Public Charter School; The Queen's Health Systems; Kamehameha Schools; Council for Native Hawaiian Advancement; Kua'āina Ulu 'Auamo; Kanu o Ka 'Āina Learning 'Ohana; and fifteen individuals.

Your Committee finds that the Office of Hawaiian Affairs is a semi-autonomous state agency, established by the state constitution and state laws, that is responsible for improving the well-being of native Hawaiians and Hawaiians. The Office of Hawaiian Affairs' operating budget, as proposed in this measure, supports plans for the upcoming biennium and is vital to fulfilling its mandates.

Your Committee has amended this measure by inserting blank appropriation amounts and position counts for the Office of Hawaiian Affairs' operating budget amounts.

- (1) OHA150: \$89,045 in general funds and \$275,687 in trust funds;
- (2) OHA160: \$1,559,749 in general funds and \$2,861,727 in trust funds; and
- (3) OHA175: \$2,331,785 in general funds and \$3,172,863 in trust funds.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 190, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 190, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 197 Hawaiian Affairs on S.B. No. 1495

The purpose and intent of this measure is to establish quiet title action procedures for kuleana land by:

- (1) Allowing court-ordered mandatory mediation at the request of the defendant and with costs allocated to the plaintiff; and
- (2) At the request of defendants in separate actions, consolidating separate quiet title actions located within the same court circuit and commenced by the same plaintiff.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; We Are One, Inc.; Ka Lāhui Hawai'i Political Action Committee; Na Kupuna Moku O Keawe; Ho'omanapono Political Action Committee; Democratic Party of Hawai'i, Hawaiian Affairs Caucus; and eighty-eight individuals.

Your Committee finds kuleana land parcels, many of which have been passed down from original awardees through multiple generations of heirs, represent a vital legal recognition of native Hawaiian families' traditional tenure of ancestral lands. Although quiet title actions under the Kingdom of Hawaii government were a beneficial legal tool for native Hawaiian kuleana awardees to resist adverse possession claims made by large agricultural landowners, the current framework of quiet title action leaves kuleana owners vulnerable to dispossession, including through the use of complex and cost-prohibitive legal processes that effectively foreclose quiet title defendants from challenging quiet title actions and adverse possession claims. Your Committee finds this measure will create a more equitable and timely process to resolve disputes and hardships stemming from quiet title actions filed against owners of kuleana lands

Your Committee notes concerns raised by the Democratic Party of Hawai'i, Hawaiian Affairs Caucus and Ka Lāhui Hawai'i Political Action Committee that this measure could be strengthened further by reinforcing kuleana land owners' special status under Kingdom of Hawaii law and the state constitution, preserving defendants' access to or through the land for native Hawaiian cultural and traditional practices in cases where the plaintiff prevails, and limiting actions to quiet title to kuleana land to plaintiffs who own at least a fifty percent interest in the land.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1495 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 198 Hawaiian Affairs on S.B. No. 41

The purpose and intent of this measure is to amend the law relating to Hawaiian affairs.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language:

- (1) Requiring the Governor to include in the executive budget a minimum amount per fiscal year to be allocated to the State of Hawaii Museum of Natural and Cultural History, beginning with the 2021-2023 fiscal biennium; and
- (2) Appropriating funds to support the work of the State of Hawaii Museum of Natural and Cultural History.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 41, as amended herein, and recommends that it be recommitted to your Committee on Hawaiian Affairs, in the form attached hereto as S.B. No. 41, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 199 Water and Land on S.B. No. 923

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and The Nature Conservancy.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be added to the Department's base budget and incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 923, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 923, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 200 Water and Land on S.B. No. 924

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Kahoʻolawe Island Reserve Commission, The Nature Conservancy, and The Trust for Public Land.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be added to the Department's base budget and incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 924, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 924, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 201 Water and Land on S.B. No. 934

The purpose and intent of this measure is to prohibit any waste or disposal facility from being located in a conservation district.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Department of Environmental Services of the City and County of Honolulu, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that state conservation districts are intended to conserve, protect, and preserve naturally and culturally significant lands and resources, with land uses accordingly subject to high standards of review and regulation. Additionally, cultural sites and resources essential to the perpetuation of constitutionally protected Native Hawaiian traditional and customary rights are located in conservation districts. Waste and disposal facilities can significantly compromise the environmental and cultural integrity of conservation district lands and resources; therefore, your Committee finds that use of such facilities is inappropriate for lands subject to the highest standards of protection and preservation.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 934 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 202 Water and Land on S.B. No. 1068

The purpose and intent of this measure is to provide funds for improvements to Na Ala Hele, the Hawaii statewide trail program, and hiker safety and etiquette education and outreach.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Sierra Club of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ka Makani O Kohala Ohana, Maunawili Estates Community Association, PATH, Tulipa Hawaiian Civic Club Association of Cultural Practitioners, Solemates Hawaii, Hawaiian Trail & Mountain Club, and thirty-six individuals.

Your Committee finds that Na Ala Hele, the Hawaii statewide trail program maintained by the Division of Forestry and Wildlife of the Department of Land and Natural Resources, includes one hundred twenty-eight trail and road features spanning approximately eight hundred fifty-five miles. Trails include parking areas, comfort stations, pavilions, picnic areas, and other facilities that are regularly used by the public. Hiking continues to increase in popularity among visitors and residents, leading to greater wear on trails and facilities. Additionally, your Committee finds that many hikers lack proper education as to hiking safety and etiquette, which has resulted in litter, loud noises, and illegal parking in neighborhoods where trail heads are located, as well as increases in mountain rescues. Therefore, your Committee finds it necessary to appropriate funds to improve access to and maintain state controlled recreational trails statewide and promote hiker safety and hiker etiquette education and outreach.

Your Committee has amended this measure by:

- Inserting language to require the public awareness campaign to include education and outreach regarding accurate Native Hawaiian culture, history, and traditional and customary practices connected to Hawaii's trails;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1068, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1068, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 203 Water and Land on S.B. No. 1134

The purpose and intent of this measure is to make an appropriation for a Heeia State Park community-based long-range plan and education center for the Heeia National Estuarine Research Reserve System.

Your Committee received testimony in support of this measure from the Hawai'i Institute of Marine Biology, The Nature Conservancy, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, He'eia National Estuarine Research Reserve, Ko'olau Foundation, Ko'olaupoko Hawaiian Civic Club, and three individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the Heeia National Estuarine Research Reserve System (HeNERR) is one of twenty-nine protected areas within the National Estuarine Research Reserve System. The HeNERR, which includes Heeia State Park, Heeia fishpond, and the Heeia community development district, as well as marine waters with patch and fringing reefs and Moku o Loe (Coconut Island), requires development of a community-based long-range plan for Heeia State Park to bring the activities in Heeia State Park into alignment with the community's interests, and to plan an education center that will help fulfill the mission of the state-federal partnership.

Your Committee has amended this measure by:

- (1) Inserting blank appropriation amounts;
- (2) Clarifying that the appropriation is for the planning and design of an education center;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1134, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 204 Water and Land on S.B. No. 259

The purpose and intent of this measure is to:

- (1) Prohibit offshore drilling for oil or natural gas in state marine waters; and
- (2) Prohibit issuance of permits for or in connection with the development or operation of any facility or infrastructure associated with offshore drilling for oil or natural gas in any waters.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Advocates For Consumer Rights; We Are One, Inc.; 350Hawaii.org; and seventeen individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources and National Caucus of Environmental Legislators.

Your Committee finds that although Hawaii has no proven petroleum or natural gas reserves or production, the State does produce petroleum products and crude oil is refined within the State. Your Committee further finds that the State is committed to the promotion and development of renewable and sustainable energy. This measure affirms the State's dedication to the reduction of fossil fuel use by prohibiting offshore drilling and the issuance of permits in connection with facilities associated with offshore drilling.

Your Committee has amended this measure by:

- Limiting the prohibition against issuing a permit for or in connection with the development or operation of any facility or infrastructure associated with offshore drilling for oil or natural gas to within state waters;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 259, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 259, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 205 Water and Land on S.B. No. 277

The purpose and intent of this measure is to appropriate funds for the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and The Nature Conservancy. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 277 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 206 Water and Land on S.B. No. 324

The purpose and intent of this measure is to require the Department of Land and Natural Resources to manage and administer the wildlife and wildlife resources of the State through cooperative resource management strategies that include traditional, recreational, and culturally dependent resource users and stakeholders.

Your Committee received testimony in support of this measure from the Hawaii Hunting Association, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiiʻi, Waianae Hunting Association, Hawaii Sportsman Association, Hawaii Sportsmen's Alliance, and seventeen individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the stakeholders who are most affected by decisions made by the Department of Land and Natural Resources and its partners regarding wildlife and wildlife resources should have opportunities to express their concerns over practices that modify access, utilization, or management of these resources.

Your Committee has amended this measure by inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 324, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 324, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 207 Water and Land on S.B. No. 472

The purpose and intent of this measure is to appropriate funds for a feasibility and cost study relating to the construction of a new boat ramp and pier in Puna.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Malama O Puna, Aha Moku Advisory Committee, Office of the Mayor of the County of Hawai'i, and six individuals.

Your Committee finds that recent lava flows have left the Puna district on the island of Hawaii without an accessible or usable boat ramp and pier. The old boat ramp at Pohoiki was a major economic driver for the Puna district and Hawaii island as a whole. Your Committee finds that steps must be taken to determine the best location for a new boat ramp and pier in Puna to serve the residents of the area and boost an economy and community recovering from the impacts of the lava flows. Therefore, your Committee finds it proper for the Legislature to appropriate funds for a feasibility and cost study relating to construction of a boat ramp and pier in Puna.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 472, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 472, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 208 Water and Land on S.B. No. 615

The purpose and intent of this measure is to appropriate funds for the purchase of heavy equipment to maintain public lands on Kauai.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii State Fire Council, Hawaii Fire Department of the County of Hawaii, Kauaii Fire Department, Hanalei Watershed Hui, and one individual.

Your Committee finds that maintenance of public lands on Kauai requires the use of heavy equipment, including dump trucks, excavators, water tenders, and bull dozers. Proper maintenance of such lands is necessary to ensure access by the public, as well as emergency response. A lack of functioning heavy equipment inhibits ongoing maintenance of public lands and response to emergency needs. Therefore, your Committee finds it proper for the Legislature to appropriate funds for heavy equipment to maintain public lands on Kauai.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 615, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 615, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 209 Judiciary on S.B. No. 560

The purpose and intent of this measure is to:

- (1) Enact voting by mail uniformly across all counties for all elections commencing in 2022;
- (2) Establish a limited number of voter service centers that would remain open from the tenth business day preceding an election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services;
- (3) Allow for additional places of deposit for personal delivery of mail-in ballots;
- (4) Appropriate funds for the implementation and administration of the election by mail program; and
- (5) Require the Office of Elections to submit a report to the Legislature prior to the convening of each regular session from 2020 through 2025 regarding the implementation of a vote by mail system.

Your Committee received testimony in support of this measure from the Office of Elections, County Clerk of the County of Maui, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters of Hawaii, Community Alliance on Prisons, Hawaii Appleseed Center for Law and Economic Justice, Common Cause Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Midwives Alliance of Hawaii, and ten individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party and seven individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that increasing numbers of Hawaii voters are submitting votes by mail and are choosing to vote early. Your Committee further finds that a single, unified vote-by-mail system will reduce the logistical costs of conducting elections while at the same time increasing the accuracy and efficiency of vote tabulation. Your Committee additionally finds that a vote-by-mail system will allow voters with disabilities or voters with special needs to more easily participate in the democratic process.

Your Committee has amended this measure by:

- (1) Clarifying that voters with special needs may request electronic transmission of ballots at any time;
- (2) Changing the closing time of places of deposit to 6:00 p.m. on election day and clarifying that any voters who are standing in line at a place of deposit at closing time may submit their ballot;
- (3) Requiring that initial tabulation of ballots be completed no later than 6:00 a.m. on the day following an election day;
- (4) Requiring the clerk not to commingle ballots when the validity of certain ballots cannot be verified upon receipt and to take reasonable steps to confirm the validity of such ballots within seven days following an election day;
- (5) Clarifying that only ballots that have been verified by the clerk by the time the initial tabulation is complete may be included in any initial recount, and that all other recounts shall be as provided by law;
- (6) Prohibiting any election result from being certified unless all ballots verified by the clerk within seven days following an election day have been added to the final tabulation;
- (7) Making clarifying and conforming amendments to sections of the absentee voting law to account for all mail-in voting; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 560, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 560, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

### SCRep. 210 Judiciary on S.B. No. 643

The purpose and intent of this measure is to:

- (1) Require that any over-limit contributions made to a candidate by resident and nonresident contributors be returned within thirty days of receipt of the contributions; and
- (2) Provide that excess contributions shall escheat to the Hawaii election campaign fund if not returned to the contributor within thirty days.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and one individual.

Your Committee finds that procedures for dealing with over-limit contributions to candidates, candidate committees, and noncandidate committees in general are provided for within the State's campaign finance law. Your Committee further finds that contributions made by nonresident contributors are not included within these procedures. This measure will add over-limit contributions by nonresident contributors to the existing procedures for dealing with over-limit contributions in general.

Your Committee has amended this measure by:

- Deleting existing statutory amendments and replacing them with an amendment that more efficiently regulates excess contributions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 643, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 643, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 211 Judiciary on S.B. No. 858

The purpose and intent of this measure is to propose amendments to the Constitution of the State of Hawaii to expressly provide that the Legislature may authorize the counties to issue tax increment bonds and to exclude tax increment bonds in determining the funding debt of the counties.

Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that bonds are one method that counties use to finance infrastructure and to support other county functions. Your Committee further finds that tax increment bonds are bonds, the principal of and interest on which are payable from and secured solely by all real property taxes levied by a political subdivision such as a county. This measure enables the counties to issue tax increment bonds to raise revenues. Your Committee additionally finds that it may be unwise to treat debt from the issuance of tax increment bonds differently than any other debt of the counties.

Accordingly, your Committee has amended this measure by:

- (1) Removing the exclusion of tax increment bonds from determinations of the funded debt of the counties; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 858, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 212 Judiciary on S.B. No. 1018

The purpose and intent of this measure is to appropriate funds to support the Hawai'i Zero to Three Court.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Department of Human Services, Hawaii Family Support Institute, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one individual.

Your Committee finds that the period between one and three years of age is critical to the healthy development of a child. Your Committee further finds that instability and trauma in the life of a child during the early formative period can interrupt healthy patterns of growth and development, resulting in increased risk for numerous behavioral and developmental problems that can sabotage the child's future. Your Committee additionally finds that the Zero to Three Court has been established by the Judiciary to meet the needs of very young children and ensure that they can be placed in safe, permanent homes as quickly as possible. This measure provides funds to allow the Judiciary to continue and also enhance services provided by the Zero to Three Court.

Your Committee has amended this measure by:

- (1) Changing the amount of appropriation for a program manager position to \$59,616;
- (2) Changing the amount of appropriation for a case manager position to \$52,956;
- (3) Making the program manager position permanent; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1018, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1018, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 213 Judiciary on S.B. No. 1058

The purpose and intent of this measure is to require:

(1) The Attorney General to prepare a statement for each proposed constitutional amendment in plain English that indicates the purpose, limitations, and effects of the proposed amendment; and

(2) The Office of Elections and county clerks to make the statement available to the public.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals.

Your Committee finds that clear information about what a proposed constitutional amendment would do and how the voting process for a proposed constitutional amendment works are important to voters understanding their role in the process and making an informed decision. Your Committee further finds that statement language should be as clear as possible, and that it should also be provided in Hawaiian, which is an official language of the State. Your Committee additionally notes that the Department of the Attorney General will likely require additional resources to meet the costs of translation, preparation, and distribution of statements.

Your Committee has amended this measure by:

- (1) Clarifying that statements for proposed constitutional amendments are to be prepared in language that is clear and neither misleading nor deceptive;
- (2) Requiring that the Attorney General also prepare the statement in Hawaiian;
- (3) Making an appropriation to the Attorney General for the translation, preparation, and distribution of statements for proposed constitutional amendments; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1058, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1058, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 214 Judiciary on S.B. No. 1174

The purpose and intent of this measure is to provide authority for the Hawaii Criminal Justice Data Center to set and collect fees for services provided.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of Public Safety.

Your Committee finds that the services provided by the Hawaii Criminal Justice Data Center are valuable to law enforcement and correctional officers. Your Committee further finds that the enumerated services for which the Hawaii Criminal Justice Data Center can currently assess fees do not include all services offered by the Center. This measure gives the Hawaii Criminal Justice Data Center greater flexibility in matching its fee structure to the services that it offers.

Your Committee has amended this measure by:

- (1) Clarifying that fees assessed by the Hawaii Criminal Justice Data Center must be reasonable and necessary; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1174, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1174, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 215 Judiciary on S.B. No. 1286

The purpose and intent of this measure is to raise the district courts' jurisdictional limit for civil actions involving specific performance.

Your Committee received testimony in support of this measure from the Judiciary, Collection Law Section of the Hawaii State Bar Association, and one individual.

Your Committee finds that the jurisdictional limits for the district courts in general have gradually increased over time. Your Committee further finds that the jurisdictional limits for specific performance have not risen with the overall increases in jurisdictional limits. This measure corrects that inconsistency in the jurisdictional limits for the district courts.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1286 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 216 Judiciary on S.B. No. 1464

The purpose and intent of this measure is to:

- Establish certain positions within the Department of the Attorney General, Judiciary, and Department of Health dedicated to
  the preparation, filing, defense, and adjudication of assisted community treatment petitions, related guardianship petitions, and
  other legal filings; and
- (2) Appropriate funds for the positions established for the Department of the Attorney General, Judiciary, and Department of Health.

Your Committee received testimony in support of this measure from Mental Health America of Hawaii; Hawaii Psychological Association; Partners in Care; Catholic Charities Hawaii; Institute for Human Services, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Kai Homeless Task Force; Hawaii Health and Harm Reduction Center; and two individuals. Your Committee received comments on this measure from the Judiciary, Department of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that the process of filing a petition and obtaining an order for assisted community treatment is very complex. Your Committee further finds that the complexities involved with petitions for orders for assisted community treatment often require private service providers, community organizations, and family members of persons needing care to seek assistance in obtaining these much-needed orders for mental health treatment. This measure establishes positions and allocates resources for the purpose of adequately managing the need for efficient and correct processing of petitions for assisted community treatment.

Your Committee additionally finds that the intended effect of this measure is to increase staff at various levels to support judicial proceedings concerning individuals with severe mental illness. Your Committee also finds that the positions established by this measure are intended to be responsible for petitions for assisted community treatment, although not exclusively dedicated to handling the petitions to the exclusion of all other matters. Your Committee further finds that judicial assignments are within the discretion of the Chief Justice of the Supreme Court of Hawaii and the chief judges and deputy chief judges of the various courts, and that it is not the intent of this measure to limit the purview of the judge position established by this measure to hear only petitions for assisted community treatment.

Accordingly, your Committee has amended this measure by:

- (1) Increasing the number of new Deputy Attorneys General to two;
- (2) Increasing the amount of appropriations to the Department of the Attorney General;
- (3) Clarifying that the deputy Attorneys General are responsible for assisted community treatment petitions instead of being exclusively dedicated to those matters;
- (4) Clarifying that the judge position is responsible for hearing matters related to assisted community treatment petitions instead of exclusively dedicated to hearing those matters, and may work on other cases as permitted by the calendar;
- (5) Clarifying that the social worker position within the Office of the Public Guardian is dedicated to working with individuals with severe mental illness who are under a guardianship where the Office of Public Guardian is the named guardian;
- (6) Removing language amending the allocation of Circuit Court Judges; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1464, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1464, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 217 Judiciary on S.B. No. 1467

The purpose and intent of this measure is to:

- (1) Restrict asset forfeiture to cases involving the commission of a covered criminal misdemeanor or felony offense;
- (2) Require seized property to be forfeited only when the property owner has been convicted of an underlying covered criminal misdemeanor or felony offense;
- (3) Change the standard of proof that the State must meet in order for property to be forfeited from "preponderance of the evidence" to "beyond a reasonable doubt";
- (4) Require the State to prove that owners consented to or possessed knowledge of the crime that led to the seizure of their property;
- (5) Require that the agency seizing the property pay for safe and secure storage of the seized property until the completion of the forfeiture proceeding or final disposition of the property;
- (6) Direct any proceeds from a civil forfeiture to the general revenue fund for public education purposes; and
- (7) Repeal administrative forfeiture proceedings.

Your Committee received testimony in support of this measure from the Libertarian Party of Hawaii, Drug Policy Forum of Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, American Civil Liberties Union of Hawaiii, Drug Policy Action Group, and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Prosecuting Attorney of the County of Kauaii, Office of the Prosecuting Attorney of the County of Hawaiii, Department

of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that property forfeiture laws are controversial and have been evolving throughout the country in the twenty years since the Omnibus Criminal Forfeiture Act was passed in Hawaii. Your Committee further finds that a 2018 State Auditor's report found a lack of accountability by the Department of the Attorney General over the storage, preservation, and disposal of forfeited property. Your Committee additionally finds that the Institute for Justice, a nonprofit civil liberties law firm, has recommended numerous reforms that have been adopted by other states. This measure will adopt some of the Institute for Justice's recommended reforms in Hawaii.

Your Committee has amended this measure by:

- Removing language requiring the Department of the Attorney General to allocate monies for the purposes of criminal
  forfeiture within one year of the effective date of this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1467, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1467, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 218 Water and Land on S.B. No. 654

The purpose and intent of this measure is to appropriate funds for the establishment of four full-time equivalent (4.0 FTE) permanent ocean safety officers and equipment for use by ocean safety officers at Manini'ōwali Beach at Kua Bay in the Kekaha Kai State Park on the island of Hawaii.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Tourism Authority, Aha Moku Advisory Committee, Office of the Mayor of the County of Hawai'i, two members of the Hawai'i County Council, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Kohala Coast Resort Association, Hawaii Drowning and Aquatics Injury Prevention Advisory Committee, Hawai'i State Association of Counties, and one individual.

Your Committee finds that Kua Bay, at Kekaha Kai State Park, between Kona and the resorts of Kohala Coast on the island of Hawaii, has recently seen an increase in visits by locals and tourists, making Kua Bay one of the most popular beaches in the State. The increase in visitation has been accompanied by an increase in dangerous incidents, injuries, and deaths, which could be mitigated by placement of lifeguards at Kua Bay. Although Kua Bay is under the jurisdiction of the Department of Land and Natural Resources, the State currently does not employ its own lifeguards at Kua Bay. Your Committee finds that the employment of lifeguards and purchase of necessary equipment at Kua Bay will help to save lives and prevent injury to residents and visitors.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 654, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 654, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 219 Water and Land on S.B. No. 832

The purpose and intent of this measure is to provide funds to the counties for the identification and mapping of important agricultural lands, to fully implement the intent of Act 183, Session Laws of Hawaii 2005, and Act 233, Session Laws of Hawaii 2008.

Your Committee received testimony in support of this measure from the Department of Agriculture, Land Use Commission, Office of Planning, one member of the Maui County Council, Department of Planning of the County of Maui, Ulupono Initiative, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Hawaiʻi Farm Bureau, and Land Use Research Foundation of Hawaii.

Your Committee finds that this measure will aid the completion of the county mapping process in preparation for the subsequent designation of important agricultural lands by the Land Use Commission, and allow the owners and farmers of these lands to have access to important agricultural land incentives in support of agricultural production. Your Committee recognizes that significant public involvement and coordination with various stakeholders and groups are necessary to complete the process, and supports providing adequate funding for a quality end product.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 832, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 832, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 220 Water and Land on S.B. No. 838

The purpose and intent of this measure is to:

- (1) Increase the percentage of the land conservation fund that may be used for costs related to the operation, maintenance, and management of lands acquired by the fund; and
- (2) Increase the maximum dollar amount of the conveyance tax distribution to the land conservation fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, The Trust for Public Land, and two individuals. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the State dedicates a portion of its annual revenue from real estate conveyance taxes to the land conservation fund. Each year, the Legislature provides the legacy land conservation program with some of the money held in the fund, which then distributes this money through a competitive grants process for purchasing land and conservation easements and for paying the debt service on state financial instruments for the protection of agricultural, coastal, cultural, and historical resources; habitats, natural areas, and open, scenic spaces; and parks, recreation, and watershed resources.

Your Committee has amended this measure by:

- (1) Inserting an appropriation from the land conservation fund for the 2019-2021 fiscal biennium to the Department of Land and Natural Resources for resource land acquisition;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 838, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 838, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 221 Water and Land on S.B. No. 906

The purpose and intent of this measure is to provide funds for improvements to the Wailoa small boat harbor.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Office of the Mayor of the County of Hawaii, and Activities & Attractions Association of Hawaii.

Your Committee finds that the Wailoa small boat harbor in Hilo, Hawaii, a popular harbor for residents and visitors to engage in recreational and commercial activities, is in need of improvements. Therefore, your Committee finds it proper to appropriate funds for the Division of Boating and Ocean Recreation to make improvements to the Wailoa small boat harbor.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 906, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 906, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 222 Water and Land on S.B. No. 922

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Waikīkī Beach Special Improvement District Association and The Nature Conservancy. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources to be included in the General Appropriations Act of 2019.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be added to the Department's base budget and incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 922, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 922, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 223 Ways and Means on S.B. No. 711

The purpose and intent of this measure is to make amendments to the General Appropriation Acts of 2015 and 2017, as amended, regarding certain appropriations for the purchase of agricultural lands.

Specifically, this measure:

- (1) Extends the lapse date of the non-general fund appropriation in item A-8.03 of Act 119, Session Laws of Hawaii 2015, as amended and renumbered by Act 124, Session Laws of Hawaii 2016 (item A-8.03); and
- (2) Amends the appropriation amount and description made by item A-17.01 of Act 49, Session Laws of Hawaii 2017, as amended and renumbered by Act 53, Session Laws of Hawaii 2018.

Your Committee received testimony in support of this measure from the Hawaii Farm Bureau.

Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the Department of Accounting and General Services has the authority to extend the lapse date for the appropriation in item A-8.03 to June 30, 2020, without legislative action.

Your Committee has amended this measure by:

- Deleting the provisions of part I, which extend the lapse date of the general fund obligation bond fund appropriation to purchase certain agricultural lands; and
- (2) Changing the remaining amounts appropriated to unspecified amounts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 711, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 711, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kidani, Taniguchi).

## SCRep. 224 Water and Land on S.B. No. 1135

The purpose and intent of this measure is to provide the Land Use Commission with the power to amend, revise, or modify a decision and order granting a land use district boundary amendment when there has been a finding by the Land Use Commission that a petitioner or its successors or assigns has not adhered to a representation made by the petitioner or its successor or assigns or conditions previously imposed by the Commission, regardless of whether there has been substantial commencement of use of the land.

Your Committee received testimony in support of this measure from the Office of Planning, Land Use Commission, Hawaii Advocates for Consumer Rights, Ho'omanapono Political Action Committee, and four individuals. Your Committee received testimony in opposition to this measure from the Chamber of Commerce Hawaii and Building Industry Association of Hawaii.

Your Committee finds that the only enforcement mechanism currently available to the Land Use Commission for noncompliance with the requirements or conditions of a district boundary amendment is issuing an order to show cause, which may result in a reversion to the former land use classification. However, even that mechanism is available only prior to substantial commencement of use of the land. Furthermore, reversion is not always an appropriate or economically desirable solution. The Land Use Commission is restricted by limited statutory authority and therefore cannot change or modify conditions where less severe actions than reversion may be more appropriate. This measure would give the Land Use Commission the authority and flexibility to address deficiencies and non-compliance with conditions and representations that are raised by the parties and interested persons.

Your Committee has amended this measure by:

- (1) Clarifying that "substantial commencement" means completion of all public improvements and infrastructure required by conditions imposed pursuant to chapter 205, Hawaii Revised Statutes, within and outside the project area, and completed construction of twenty percent of any affordable housing requirement such that they are usable or habitable;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1135, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1135, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 225 Water and Land on S.B. No. 1139

The purpose and intent of this measure is to provide funds for flooding remediation by the Engineering Division of the Department of Land and Natural Resources on Tax Map Key (3) 2-3-023:008.

Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the parcel identified by this measure is privately owned. Therefore, this measure should identify an adjacent parcel, Tax Map Key (3) 2-3-023:006, which is also privately owned but has a state owned ditch running through it, which is in need of improvements for proper flooding remediation.

Accordingly, your Committee has amended this measure by:

- (1) Changing the appropriation amount to \$1,000,000 for flooding remediation and changing the subject parcel to Tax Map Key (3) 2-3-023:006;
- (2) Inserting a lapse date of June 30, 2022, to allow adequate time for the project;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1139, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 226 Water and Land on S.B. No. 1140

The purpose and intent of this measure is to provide funds for:

- (1) Positions in the Division of Forestry and Wildlife to respond to invasive species;
- (2) The Hawaii Invasive Species Council to support research and interagency projects;
- (3) Rapid Ohia Death response; and
- (4) Capital improvement projects for Maliko Gulch, Maui, to construct a coqui frog barrier fence and various requests for fencing to exclude invasive animals from protected areas.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources, The Nature Conservancy, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Coordinating Group on Alien Pest Species.

Your Committee finds that the invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is a substantial threat to Hawaii's economy and natural environment and to the health and lifestyle of Hawaii's people. Invasive species and pests can swiftly and permanently alter the ecosystem of the State if not effectively eradicated. To ensure the State's invasive species prevention, early detection, rapid response, control, enforcement, and outreach programs will help protect the environment, human health, culture, and economy, it is essential to properly fund such efforts by the Department of Land and Natural Resources.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1140, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1140, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 227 Water and Land on S.B. No. 1141

The purpose and intent of this measure is to provide funds for refurbishing and retrofitting the Kūlani water tanks to serve as water reservoirs for firefighting in the Puu Makaala Natural Area Reserve and surrounding areas.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii State Fire Council, Hawaii Fire Department of the County of Hawaii, Kauai Fire Department, Office of the Mayor of the County of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals.

Your Committee finds that Puu Makaala Natural Area Reserve, located in the Puna and South Hilo districts of the island of Hawaii, was established to protect the wet koa and ohia forest and unique geologic features. This area on the northeast flank of Mauna Loa is an important habitat for some of Hawaii's rarest birds and several rare plants. Three 400,000-gallon water tanks are located in the area and have served as water reservoirs for firefighting in the past; however, the earthquake of May 2018 severely damaged one of the tanks, and the other two are in need of refurbishment. These tanks serve as the only available source of water in this high elevation region, which encompasses over 200,000 acres of state and federal lands, and are a first line of defense against wildland fires. Your

Committee finds it proper that the Legislature appropriate funds to ensure water is accessible for firefighting in this environmentally and culturally significant region.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1141, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 228 Water and Land on S.B. No. 1142

The purpose and intent of this measure is to provide funds for the demolition and removal of structures at Uncle Billy's in Hilo,

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of the Mayor of the County of Hawai'i, and one individual.

Your Committee finds that Uncle Billy's operated as a 145-room hotel on Banyan Drive in Hilo, Hawaii, beginning in the 1960s and abruptly closed in June of 2017 after county inspectors advised that the building must be vacated due to safety concerns. The hotel closed, and the site is planned for redevelopment as a new hotel. The derelict structures present a public health and safety issue, are a blight on Banyan Drive, and must be removed before any improvements can be made to the land. Therefore, your Committee supports funding the removal of these structures.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1142, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1142, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 229 Human Services on S.B. No. 210

The purpose and intent of this measure is to:

- (1) Require the family court to terminate parental rights if the court determines, by clear and convincing evidence, that a natural parent committed sexual assault of the other natural parent; the child was conceived as a result of the sexual assault by the parent; and termination of parental rights is in the best interests of the child, under certain conditions; and
- (2) Require the family court to suspend custody and visitation, after proper filing of a petition and a hearing, to any child whose parent or legal guardian is charged for a sexual assault or other offense, under certain conditions.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, The Sex Abuse Treatment Center, and three individuals. Your Committee received comments on this measure from The Judiciary, Department of the Attorney General, and Hawaii Women's Coalition.

Your Committee finds that the impact of sexual violence is significant. Victims face not only emotional trauma, but also significant physical consequences, including pregnancy.

Your Committee further finds that in cases where a victim is co-parenting a child with the parent charged for sexually assaulting the victim, the no contact orders of the criminal court and the temporary restraining order issued by civil courts may still allow that parent continued custody or visitation with the victim's child. This enables the parent charged for sexually assaulting the victim to continue exercising influence and control on the victim through their child, which places the child in a potentially dangerous and traumatic situation.

This measure requires the family court to terminate parental rights on a finding by clear and convincing evidence that the natural parent committed sexual assault of the other natural parent and the child was conceived as a result of the sexual assault and allows a victim to petition in family court for an order suspending custody and visitation for a parent charged for sexually assaulting the victim, with a rebuttable presumption that such suspension is in the best interest of the child. Your Committee further finds that this measure preserves the integrity of criminal justice proceedings and protects the safety and well-being of victims of sexual assault and their children.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Department of the Attorney General that:
  - (A) Requires the court to consider the best interests of the child when issuing stay away orders for a defendant out on release; and
  - (B) Permits the termination of parental rights under certain circumstances, even when the termination does not facilitate the child's adoption; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 210, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 210, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ihara). Noes, none. Excused, none.

### SCRep. 230 Human Services on S.B. No. 279

The purpose and intent of this measure is to appropriate funds for the Department of Human Services.

Your Committee received testimony in support of this measure from the Department of Human Services.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by:

- (1) Incorporating an unspecified increase in the appropriate federal funds ceiling; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Human Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 279, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 279, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 231 Human Services on S.B. No. 474

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Human Services.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Transportation, Catholic Charities Hawai'i, and Hawaii Kai Homeless Task Force. Your Committee received comments on this measure from the Governor's Coordinator on Homelessness and Department of Human Services.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Human Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Incorporating proposed changes to add requested budget additions from the Department of Human Services; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 474, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 474, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 232 Human Services on S.B. No. 475

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Human Services.

Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Human Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by incorporating proposed changes for additional capital improvement funding from the Department of Human Services.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 475, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 475, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 233 Human Services on S.B. No. 720

The purpose and intent of this measure is to allow individuals who require home care services more than twice weekly, do not have ready access to reliable transportation, and live thirty miles or more from the nearest hospital to be eligible for Medicaid home and community-based services administered by the Department of Human Services.

Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that under existing law, the Department of Health is able to administer Medicaid home and community-based services waiver programs for individuals who are aged, chronically ill, disabled, developmentally disabled, or intellectually disabled. This measure increases access to care by expanding eligibility for Medicaid home and community-based services to include individuals who require home care services more than twice weekly, lack reliable transportation, and live in rural areas without easy access to a hospital.

Your Committee has amended this measure by clarifying that the new criteria proposed by this measure expands, rather than narrows, eligibility for Medicaid home and community-based waiver services.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 720, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 720, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 234 Human Services on S.B. No. 947

The purpose and intent of this measure is to prohibit the disability of a parent or caregiver from being the sole factor in determining fitness as a foster parent, adoptive parent, guardian, person seeking custody or visitation, or provider of a safe family home.

Your Committee received testimony in support of this measure from the Disability and Communications Access Board and LGBT Caucus of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that in family court cases, the court will make a determination based on the welfare of a child. However, there is no express prohibition against considering the disability of a parent or caregiver as the sole factor in determining fitness as a foster parent, adoptive parent, guardian, person seeking custody or visitation, or provider of a safe family home. This measure protects the right to parent for all individuals with disabilities and enables the court to make a determination based on the best interests of the child, as well as the family unit as a whole.

Your Committee has amended this measure by specifying that the party attempting to demonstrate that a disability impairs another person's ability to parent in foster parent, adoptive parent, guardian, custody or visitation, or safe family home cases must prove that the person's disability is a factor and demonstrate a clear nexus between the person's disability and the alleged parental deficiency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 947, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 947, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 235 Education on S.B. No. 583

The purpose and intent of this measure is to:

- (1) Beginning with the 2019-2021 fiscal year, reduce the percentage from 6.5 percent to 5.0 percent of the total Department of Education's operating budget that can be expended for the Department's administrative expenditures; and
- (2) Increase the percent of appropriations for the total budget of the Department of Education that principals can expend from seventy percent to seventy-five percent.

Your Committee received testimony in support of this measure from the Americans for Democratic Action Hawai'i and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that funding a quality education system in the State is challenging and requires fiscal responsibility. The Department of Education, through administrative personnel, is tasked with maximizing the use of limited resources to advance student achievement at Hawaii's public schools. This measure empowers schools in a more direct manner by providing additional resources to schools to support student success, staff success, and successful systems of support.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 583 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 236 Education on S.B. No. 591

The purpose and intent of this measure is to increase the amount of damages allowed for public school restitution agreements from \$3,500 to \$10,000.

Your Committee received testimony in support of this measure from the Department of Education and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that vandalism at public schools occurs at the expense of students and the general public. When school facilities and equipment are damaged or destroyed, there is a negative impact on the quality of education that affects teachers, students, and parents. Raising the amount for restitution agreements will act as a strong deterrent against vandalism and increase the financial responsibility on a student's family who chooses to vandalize school property and facilities.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 591 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 237 Education on S.B. No. 594

The purpose and intent of this measure is to establish and appropriate funds for a school meal subsidy program within the Department of Education to provide school lunch subsidies to children whose families do not otherwise qualify under the federal free and reduced price lunch program.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals.

Your Committee finds that the National School Lunch Program is a federally assisted meal program for schools that provides daily low-cost or free meals to children from households making a certain income. However, the Department of Education estimates that up to fifteen thousand children each year from gap groups do not qualify for the National School Lunch Program. Providing equal access to food services for students ensures that all public school students are provided quality education and school meals.

Your Committee has amended this measure by:

- (1) Specifying that the school meal subsidy program shall target children whose families are not otherwise eligible for free lunch under the free and reduced price lunch program and who meet program income eligibility requirements; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 594, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 594, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 238 Education on S.B. No. 1071

The purpose and intent of this measure is to appropriate funds for a capital improvement project to state facilities on state land at Kaʻōhao Public Conversion Charter School.

Your Committee received testimony in support of this measure from the Department of Education, State Public Charter School Commission, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ka'ōhao Public Conversion Charter School, and sixty-one individuals.

Your Committee finds that facilities funding is the greatest financial burden upon public charter schools. At Ka'ōhao Public Conversion Charter School, there is no facility on campus that can accommodate its three hundred fifty students, resulting in all school-wide assemblies being held outside and subject to weather. Additionally, the capacity issue in the current cafeteria presents challenges in providing students with proper covering during the students' lunch period. By providing resources for facilities, public charter schools, like Ka'ōhao Public Conversion Charter School, can continue to provide quality education to the children of Hawaii.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1071 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

#### SCRep. 239 Education on S.B. No. 585

The purpose and intent of this measure is to clarify that the school-level minor repairs and maintenance special fund shall be used only to fund repairs and maintenance.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that many of the public school facilities in the State are in need of repair or renovation. A source of funding to assist the Department of Education with the upkeep and maintenance of school facilities is the school-level minor repairs and maintenance special fund. This measure ensures that the monies in the school-level minor repairs and maintenance special fund are used exclusively for the special fund's intended purpose.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 585 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 240 Education on S.B. No. 969

The purpose and intent of this measure is to:

- (1) Beginning in the 2022-2023 school year, require each public elementary school or public charter elementary school to offer instruction in the basics of computer science and computational thinking;
- Beginning in the 2023-2024 school year, require each public middle or intermediate school or public charter middle or intermediate school to offer instruction in exploratory computer science; and
- Require each public school and public charter school to submit an annual report to the Department of Education that lists the computer science courses that are offered that include a minimum amount of programming.

Your Committee received testimony in support of this measure from HawaiiKidsCAN. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that computing-based occupations make up more than two-thirds of all projected new jobs in the science, technology, engineering, and mathematics fields, commonly known as STEM fields. This means that college graduates with computer science degrees are in high demand among employers across the nation. Your Committee further finds that there is a disparity between the demand for computer science education and its availability as only forty percent of schools offer such courses.

Therefore, the intent of this measure is to integrate and prioritize computer science curriculum in public schools as a way of introducing the basics of computer science and computational thinking to students, which may prepare them for employment in fields related to computer science that have the potential to drive job growth and innovation throughout the economy.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 969 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 241 Education on S.B. No. 1447

The purpose and intent of this measure is to appropriate funds to the State Public Charter School Commission for charter schools.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language to appropriate funds for operating expenses of charter schools and the State Public Charter School Commission.

Your Committee received testimony in support of the proposed S.D. 1 from the State Public Charter School Commission and Kamehameha Schools.

Your Committee finds that the proposed S.D. 1 provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending the proposed S.D. 1 for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by the proposed S.D. 1 into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1447, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1447, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 242 Education on S.B. No. 1304

The purpose and intent of this measure is to establish minimum starting salaries for certified teachers who, with or without a master's degree, have completed an accredited teacher education program.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i Education Caucus. Your Committee received comments on this measure from the Department of Education and Department of Budget and Finance.

Your Committee finds that average salaries for teachers in Hawaii generally fall in the middle of national rankings of teachers' pay. However, once the salaries of teachers in the State are adjusted for the cost of living, they are the lowest-paid in the nation. Your Committee further finds that close to half of teachers in Hawaii are leaving the profession or the State altogether within five years of starting, posing a significant problem for students. As the State continues to address matters of teacher recruitment and retention, it is crucial to support current teachers now.

While this measure does not remove salary negotiations from collective bargaining under chapter 89, Hawaii Revised Statutes, and merely provides a floor for where negotiations may begin, your Committee has heard testimony expressing concerns relating to the potential impact this measure may have on article XIII, section 2, of the Hawaii State Constitution and the collective bargaining process. As such, your Committee is requesting a legal opinion on the matter from the Department of the Attorney General. Your Committee finds that this issue raises concerns that merit further consideration and requests that your Committee on Ways and Means further examines this issue.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1304, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1304, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 243 Education on S.B. No. 588

The purpose and intent of this measure is to require the Department of Education to report the creation of any temporary positions to the Legislature at least twenty days prior to the convening of each regular session.

Your Committee received comments on this measure from the Department of Education and one individual.

Your Committee finds that the Department of Education is authorized to create temporary positions as it deems necessary, under certain conditions. This measure provides additional transparency and accountability for the creation of these positions by the Department of Education to ensure that resources are being used effectively and efficiently.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 588 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 244 Education on S.B. No. 584

The purpose and intent of this measure is to require the Department of Education to include source of project funding and amount of legislative appropriations used for some other purpose and the justification for such use in the information posted on the Department's website relating to school repair and maintenance projects.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that there is a need for greater transparency and fiscal discipline with the Department of Education's funding sources. While the Department of Education has taken initial steps to improve in these areas with the creation of the capital improvement program project tracker system, this measure adds further accountability for project funding to ensure that resources are used effectively and efficiently.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 584 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 245 Transportation on S.B. No. 103

The purpose and intent of this measure is to authorize the Director of Transportation to adopt rules that regulate and limit noise from vessels at harbors, ports, roadsteads, docks, wharves, piers, quays, bulkheads, and landings of the State.

Your Committee received testimony in support of this measure from the Chinatown Gateway Plaza Tenant Association. Your Committee received testimony in opposition to this measure from the Department of Transportation. Your Committee received comments on this measure from Matson.

Your Committee finds that as working harbors, many of Hawaii's harbors produce large amounts of noise. While the Department of Transportation has the authority to adopt rules regulating the manner in which vessels may enter and moor, anchor, or dock in the commercial harbors, ports, and roadsteads, this authority does not allow the Department to adopt rules to regulate excessive and harmful noises emanating from these vessels. Your Committee finds that granting the Department this authority will help alleviate the concerns of individuals affected by the noise from Hawaii's harbors.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 103 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 246 Transportation on S.B. No. 568

The purpose and intent of this measure is to exclude gender or sex markers from limited purpose driver's licenses and limited purpose provisional driver's licenses.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; LGBT Caucus of the Democratic Party of Hawai'i; Planned Parenthood Votes Northwest and Hawaii; Aloha State Association of the Deaf; Hawai'i Health and Harm Reduction Center; We Are One, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and twenty individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Hawaii has one of the largest percentage of transgender individuals in the United States. Your Committee further finds that gender and sex markers on a form of identification can cause difficulty and invasive questions from unknowing individuals, creating uncomfortable situations for transgender and non-gender conforming individuals. Your Committee also finds that sex and gender markers can increase the chances of discrimination for transgender and gender non-conforming individuals in many public situations. This measure would remove gender and sex markers from a limited purpose driver's license and a limited purpose provisional license, thereby allowing the transgender and gender non-conforming community to avoid discriminatory or other unwarranted treatment.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 568 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 247 Transportation on S.B. No. 652

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Keahole FBO I LLC with planning, designing, constructing, equipping, and operating facilities for aviation services and aviation-related services at Ellison Onizuka Kona International Airport at Keahole.

Your Committee received testimony in support of this measure from the Department of Transportation; Keahole FBO I LLC; Isemoto Contracting Co., Ltd.; Kohala Coast Resort Association; Sinclair Range Inc.; Ho'omanapono Political Action Committee; and two individuals.

Your Committee finds that Keahole FBO I LLC currently has a lease with the Department of Transportation for 15.15 acres at Ellison Onizuka Kona International Airport. Your Committee further finds that there are plans to develop hangars, a fuel farm, and aviation infrastructure for aviation and aviation-related services. This project will contract services from various local Hawaii contractors and consultants. Your Committee believes that this project will benefit the State by generating revenue through taxes, fees, and leases, and will also create jobs in various sectors for residents of Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 652 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5; Ayes with Reservations (Harimoto). Noes, none. Excused, none.

## SCRep. 248 Human Services on S.B. No. 492

The purpose and intent of this measure is to:

- (1) Require the Office of the Auditor to conduct a performance, financial, and procurement audit of the Department of Human Services Disability Determination Branch; and
- (2) Appropriate funds for the audit.

Your Committee received comments on this measure from the Department of Human Services and Office of the Auditor.

Your Committee finds that the Disability Determination Branch (DDB) is responsible for making timely, accurate, and cost effective disability determinations in accordance with Social Security Administration rules and regulations. Your Committee finds that periodic audits of the DDB are in the public interest. Your Committee anticipates that the information and recommendations gained from the audit will help the legislature address any concerns raised about the DDB's management and operations.

Your Committee has amended this measure by:

- (1) Clarifying that the Office of the Auditor shall conduct a performance audit of the DDB, rather than a performance, financial, and management audit;
- Removing language that would have required the audit to include an examination of funds expended by the DDB and whether
  those expenditures were in compliance with laws;
- (3) Specifying that the audit shall include an analysis of the rate of denials for initial applications and the rates of denials and approvals for those appealed applications; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 492, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 492, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 249 Water and Land on S.B. No. 1252

The purpose and intent of this measure is to temporarily authorize the Board of Land and Natural Resources to approve rental reductions or waivers of up to twenty years of lease rental for public land leases that require substantial demolition costs or infrastructure improvement costs in order for the lessee to utilize the premises.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual

Your Committee finds that there are a number of long-term leases of public lands that have expired in recent years with significant improvements constructed on the premises during the lease term. In some cases, the leasehold improvements require costly demolition; however, the lease forms used for these leases did not require the lessee to remove the improvements at the expiration of the lease term. As a result, the demolition cost falls on the State unless the State can pass the cost on to a future lessee who undertakes redevelopment of the land. Your Committee further finds that there are unimproved public lands in the State's inventory that the State desires to develop for various uses; however, substantial investments in infrastructure will be required to facilitate development of the lands with costs in the tens of millions of dollars. To incentivize redevelopment and improvement of these lands, this measure proposes to temporarily increase the amount of rent reduction or waiver that a lessee of public lands can receive for redeveloping or improving public lands.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1252, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1252, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 250 Water and Land on S.B. No. 1255

The purpose and intent of this measure is to:

- (1) Clarify the purpose of and inclusion of privately managed forests in the forest stewardship program;
- (2) Clarify the conditions that must be met by applicants to receive funds under the program; and
- (3) Increase maximum payments from the forest stewardship fund available to landowners for assistance in developing and implementing an approved management plan.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Agriculture Research Center; Hi'ipaka, LLC; Hawaii'i Forest Industry Association; and two individuals.

Your Committee finds that Hawaii's forest stewardship program, administered by the Department of Land and Natural Resources, Division of Forestry and Wildlife, provides technical and financial assistance to owners or long-term leaseholders of nonindustrial private forest land that are interested in conservation, restoration, or timber production. Forest stewardship management plans benefit the public by restoring native species, controlling invasive species, protecting forest watersheds, and increasing green jobs and education, while sustaining resources for future generations. The program reduces the financial barrier for landowners to access natural resource experts that help program participants responsibly and sustainably manage forest resources. Sixty-six percent of Hawaii's forested areas are privately managed. Your Committee finds that the program should be clarified and updated to reflect current land management practices and the needs of the participants in the program.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1255, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1255, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 251 Water and Land on S.B. No. 1257

The purpose and intent of this measure is to:

- (1) Establish that liveaboard fees for state small boat harbors shall be established by appraisal by a state-licensed appraiser approved by the Department of Land and Natural Resources and shall be set at fair market value; and
- (2) Clarify fees charged for vessels used for commercial purposes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Ocean Tourism Coalition. Your Committee received comments on this measure from one individual.

Your Committee finds that liveaboard tenants are the direct beneficiaries of small boat harbor amenities. Currently, all mooring and commercial maritime fees, with the exception of a liveaboard fee, are established by appraisal. Your Committee finds that revising the manner in which a liveaboard fee is determined within a state small boat harbor is necessary to conform to the appraised value method used for other fees. Additionally, an increase in small boat harbor fees would offset the cost of providing additional services such as increased use of utilities, showers and restrooms, security, and other administrative costs.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1257, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1257, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 252 Water and Land on S.B. No. 1260

The purpose and intent of this measure is to establish a warrantless administrative search scheme to enforce natural resources regulations. Specifically, this measure:

- (1) Authorizes police officers or agents of the Department of Land and Natural Resources upon whom the Board of Land and Natural Resources has conferred police powers to, in the performance of their primary duties and without a warrant, inspect certain items for compliance with title 12, chapters 6D, 6E, and 6K, Hawaii Revised Statutes, and any rule adopted thereunder, relating to the protection and conservation of natural resources; and
- (2) Requires a person to exhibit certain items upon demand by any such person authorized by the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, For the Fishes, The Nature Conservancy, and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs and two individuals.

Your Committee finds that clear legislative wording outlining a limited inspection authority coupled with the need to exhibit upon a lawful demand, is necessary to allow any police officer or agent of the Department of Land and Natural Resources upon whom the Board of Land and Natural Resources has conferred police powers to have valid authority for a limited inspection while in the field and fulfill the need to adequately protect the natural and cultural resources of Hawaii.

Your Committee has heard the concerns regarding the protection of traditional and customary Native Hawaiian rights and believes this merits further discussion by your Committee on Judiciary.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1260, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1260, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 253 Water and Land on S.B. No. 1261

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaiian Humane Society, For the Fishes, and two individuals. Your Committee received comments on this measure from the Hawaii Association for Justice.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulations across jurisdictions and could prevent wildlife violators who have lost their hunting, fishing, trapping, or other wildlife related privileges in other member states from obtaining a hunting license in Hawaii. Your Committee further finds that the Interstate Wildlife Violator Compact is a common sense way for states to share information on violators who have lost their hunting, fishing, trapping, or other wildlife related privileges and that Hawaii should be participating in this agreement.

Your Committee has amended this measure by:

- Deleting language that would have provided civil liability immunity to employees of the Department of Land and Natural Resources administering or enforcing the Interstate Wildlife Violator Compact;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1261, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1261, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 254 Water and Land on S.B. No. 1262

The purpose and intent of this measure is to provide increased funding for land conservation by removing the annual dollar amount cap of the annual proceeds from the conveyance tax to the land conservation fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, The Trust for Public Land, Ka Makanai O Kohala Ohana, Sustainable Kohala, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, The Nature Conservancy, Sierra Club of Hawaii, and three individuals. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that Hawaii's natural resources are invaluable to its economy, culture, and quality of life, but an alarmingly small amount of money is invested each year to protect the State's natural capital base. Your Committee also finds that there is a clear nexus between the source of the conveyance tax and providing funding for land conservation since the development, sale, and improvement of real estate in Hawaii creates additional pressure on natural areas, coastal access, agricultural production, and water resources and watershed recharge areas.

Your Committee has amended this measure by:

- (1) Inserting an appropriation from the land conservation fund for the 2019-2021 fiscal biennium to the Department of Land and Natural Resources for resource land acquisition;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1262, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1262, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 255 Judiciary on S.B. No. 137

The purpose and intent of this measure is to:

- Increase the amount of the fine that may be assessed against a noncandidate committee for campaign spending law violations in certain circumstances; and
- (2) Allow the Campaign Spending Commission to order that payment of a fine assessed against a noncandidate committee be paid from the personal funds of an officer of the noncandidate committee.

Your Committee received testimony in support of this measure from the Campaign Spending Commission.

Your Committee finds that the campaign spending laws are often extremely difficult to enforce against large political action committees. Your Committee further finds that the structure and considerable financial resources of these organizations insulates them from effective enforcement in many situations. This measure increases the ability of the Campaign Spending Commission to assess effective penalties against large political action committees for violations of campaign spending laws.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 137 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 256 Judiciary on S.B. No. 144

The purpose and intent of this measure is to:

- (1) Remove the premeditated intent element when filing any statement or report under the lobbyist law; and
- (2) Allow the State Ethics Commission to assess an administrative fine or restitution, or both, when violations of the lobbyist law

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission.

Your Committee finds that a requirement to prove that a wrongful action was taken willfully is a required element of some criminal offenses, but is out of place in administrative violations. Your Committee further finds that, without a *mens rea* element of some kind, persons could be penalized for violations that occur without their knowledge, or are the result of unavoidable human error. Your Committee additionally finds that a requirement to prove that a violation was the result of negligence is an appropriate standard for violations of the lobbyist law.

Accordingly, your Committee has amended this measure by:

- (1) Removing restrictions on access to transcripts from public contested hearings;
- (2) Changing the standard to be subject to penalty for failing to file a statement or filing a statement containing false or misleading information or omission of facts from willfulness to negligence; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 144, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 144, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 257 Judiciary on S.B. No. 187

The purpose and intent of this measure is to establish one additional district court judgeship in the First Circuit and in the Second Circuit

Your Committee received testimony in support of this measure from the Judiciary, Department of the Prosecuting Attorney of the County of Maui, Maui County Bar Association, and two individuals.

Your Committee finds that there is significant congestion in the District Courts of the First and Second Circuits. Your Committee further finds that it has been thirty-seven years since a Second Circuit District Court judgeship has been established and that, in that time, the number of people living within the area served by the Second Circuit has more than doubled. Your Committee additionally finds that congestion in a court causes significant delays in cases and reduces the attention that a judge can give to the matters before the court. This measure will reduce the congestion by establishing additional district court judgeships in the First Circuit and the Second Circuit.

Your Committee has amended this measure by:

- (1) Making an appropriation of \$170,000 in fiscal year 2019-2020, and \$330,000 in fiscal year 2020-2021, for each of the new district court judgeships; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 187, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 187, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 258 Judiciary on S.B. No. 416

The purpose and intent of this measure is to make permanent the requirement that decisions in contested case hearings of the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, Hawaii Community Development Authority, and those involving conservation districts be appealed directly to the Supreme Court of the State of Hawaii.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii; Chamber of Commerce Hawaii; Maunakea Observatories; Kona-Kohala Chamber of Commerce; Hawaii Island Chamber of Commerce; Oʻahu County Committee on Legislative Priorities for the Democratic Party of Hawaiʻi; David S. DeLuz, Sr. Enterprises, Inc.; and seven individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the process for land use authorization in Hawaii is extensive, thorough, and frequently takes a considerable amount of time. Your Committee further finds that administrative proceedings in contested case hearings of the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, Hawaii Community Development

Authority, and those involving conservation districts are extremely detailed and create a significant record to serve as a foundation for appeal. This measure will make permanent a means by which these types of cases can be expeditiously resolved.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 416 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 259 Judiciary on S.B. No. 192

The purpose and intent of this measure is to authorize a defendant in custody to petition a court for unsecured bail.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of the Public Defender, Hawaii Disability Rights Center, League of Women Voters of Hawaii, IMUAlliance, Community Alliance on Prisons, Hawaii Friends of Civil Rights, Americans for Democratic Action, Young Progressives Demanding Action, Hawai'i Alliance for Progressive Action, Ho'omanapono Political Action Committee, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Democratic Socialists of Honolulu, Hawai'i Innocence Project, Drug Policy Forum of Hawaii, and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Judiciary.

Your Committee finds that the cash-secured bail system unjustly disadvantages low-income individuals and their families. Your Committee further finds that individuals without the financial resources to pay the necessary amount of bail can be detained for weeks, months, or longer, and can additionally face the loss of employment, housing, or custody of children. This measure allows the court to release a defendant from detention upon execution of an unsecured financial bond in situations in which the court determines that such a release is appropriate.

Your Committee has amended this measure by:

- (1) Requiring that the court to take appropriate steps to collect the amount of an unsecured financial bond in the event that a defendant fails to appear in court or breaches any other condition of release; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 192, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 260 Judiciary on S.B. No. 495

The purpose and intent of this measure is to create a nexus standard for taxing out-of-state businesses on their business income in Hawaii.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that Hawaii's resident population and strong tourist presence make the State a profitable market for companies outside the State. Your Committee further finds that the establishment of an economic nexus standard for out-of-state businesses on their business income in Hawaii will allow the State to gain tax revenue from businesses that have no physical presence in Hawaii but nonetheless conduct transactions with persons in Hawaii. Your Committee additionally finds that some provisions of this measure conflict with existing standards within the general excise tax law and applicable federal laws.

Accordingly, upon the recommendation of the Department of Taxation, your Committee has amended this measure by:

- (1) Removing language that allowed solicitation of business transactions to establish an economic nexus in the State;
- (2) Clarifying that a person is systematically and regularly engaging in business in Hawaii if the person engages in the requisite number of transactions or if the sum of the person's income from business conducted in Hawaii rises to a certain amount; and
- (3) Establishing that a person is systematically and regularly engaging in business in Hawaii if the person's sales factor in Hawaii rises to a certain amount.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 495, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 495, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 261 Judiciary on S.B. No. 1170

The purpose and intent of this measure is to:

Clarify that the State is exclusively liable for claims for injury or loss of property, or personal injury or death, resulting from
the negligent or wrongful act or omission of any professionally licensed or certified employee of the State while the employee
is acting within the scope of the employee's office or employment;

- (2) Preclude civil actions or proceedings for money damages against the employee, except for claims based on liability other than an employee's scope of employment with the State or other employer; and
- (3) Clarify liability when the State agrees to assume full or partial responsibility in a civil action against a professional licensed or certified employee.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Taxation; Department of Public Safety; and Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO. Your Committee received comments on this measure from the Hawaii Association for Justice.

Your Committee finds that state employees are generally afforded qualified immunity for tort claims arising as a result of actions taken by the employee while in the course of the employee's state employment. Your Committee further finds that in the case of Slingluff v. State of Hawaii, 131 Hawaii'i 239, 317 P.3d 683 (App. 2013), the Intermediate Court of Appeals held that prison physicians are not entitled to qualified immunity for the exercise of their professional medical judgment. Your Committee additionally finds that the court concluded that medical diagnosis and treatment decisions "[do] not involve policy making or any other type of governmental discretion", and thus "are not entitled to qualified immunity". This measure clarifies that all decisions made by employees of the State in the course of their duties and employment are exercises of discretion that the State has hired the employee to make, and thus fall within the qualified immunity of the State.

Your Committee has amended this measure by:

- (1) Clarifying that in situations in which the State has agreed to partial responsibility for the injuries, losses, and damages caused by the employee, state employees remain partially liable for those claims for which the State has not claimed responsibility; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1170, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1170, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 262 Judiciary on S.B. No. 1176

The purpose and intent of this measure is to continue to meet federal financial incentive requirements by:

- (1) Increasing penalty amounts for false claims to the State to be the same as the penalty amounts for 2019 under the Federal False Claims Act: and
- (2) Providing that the penalty amounts in Hawaii's false claims act for the year 2020 and thereafter shall be the same amounts and for the same effective dates as the penalty amounts adjusted and adopted by the United Sates Department of Justice for the Federal False Claims Act.

Your Committee received testimony in support of this measure from the Department of the Attorney General and one individual

Your Committee finds that section 1909 of the Social Security Act provides a ten percentage point increase in the State's share of any amount recovered in a state action under a false or fraudulent claim if the State has a false claims act that meets the requirements set forth in section 1909. Section 1909 further requires that the State's false or fraudulent claims law contain a civil penalty that is not less than the amount provided under federal law. This measure brings Hawaii's false claims act into compliance with section 1909 of the federal Social Security Act.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1176, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1176, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 263 Water and Land on S.B. No. 1296

The purpose and intent of this measure is to provide funds to the Department of Land and Natural Resources for the Kahoolawe Island Reserve Commission to effectively meet the unique challenges of restoring, preserving, and determining the appropriate uses of the Kahoolawe island reserve for the people of Hawaii and for two positions for the Commission.

Your Committee received testimony in support of this measure from the Kahoʻolawe Island Reserve Commission, Protect Kahoʻolawe ʻOhana, Ocean Tourism Coalition, Hawaiian Affairs Caucus of the Democratic Party of Hawaiʻi, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Maui Nui Seabird Recovery Project, and twenty-seven individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that extensive erosion and other ecological problems and the presence of unexploded ordnance, archaeological and other cultural and historic sites, and native and endangered flora and fauna necessitated a new management regime to effectively meet the unique challenges of restoring, preserving, and determining the appropriate use of Kahoolawe. As a result, the Kahoolawe Island Reserve Commission was established in 2004 and funded through federal and state sources; however, funding has run low in recent years. Your Committee further finds that the Kahoolawe Island Reserve Commission is not only restoring the

ecological damage on Kahoolawe and protecting its endangered and rare flora and fauna, it is also ensuring that the people of Hawaii who access the Kahoolawe island reserve can do so meaningfully and safely. Therefore, your Committee finds it necessary to provide adequate funding for the Kahoolawe Island Reserve Commission.

Your Committee has amended this measure by:

- (1) Inserting blank appropriation amounts;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1296, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1296, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 264 Water and Land on S.B. No. 1385

The purpose and intent of this measure is to update statutes regarding the Kaneohe Bay Regional Council. Specifically, this measure:

- Requires the Department of Land and Natural Resources to provide administrative support to the Kaneohe Bay Regional Council:
- (2) Requires that the chairperson be selected by the members on an annual and rotating basis; and
- (3) Requires the Kaneohe Bay Regional Council to meet quarterly.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Koʻolau Foundation, and two individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committee finds that the Kaneohe Bay Regional Council (Council) was established in 1993 and is administered by the Department of Land and Natural Resources, although the Department does not provide administrative support to the Council. The Council is charged with a variety of functions, including facilitating the implementation of the Kaneohe Bay Master Plan, as it relates to ocean use activities, and productive interaction between users of the Bay and the general public in order to develop a common vision and make recommendations for public policy related to Kaneohe Bay.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1385, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1385, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 265 Water and Land on S.B. No. 1490

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and The Nature Conservancy.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be added to the Department's base budget and incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1490, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1490, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 266 Water and Land on S.B. No. 1500

The purpose and intent of this measure is to require the Department of Land and Natural Resources to collaborate with various agencies to research and develop a plan for a mechanism for increased water circulation in Pokai Bay on Oahu's leeward coast to mitigate environmental and health risks caused by pollution and contaminants in the water.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Na Kama Kai, Hoʻomanapono Political Action Committee, and six individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committee finds that Pokai Bay is one of the most visited ocean areas on Oahu's leeward coast because of its wide sandy beach and relatively calm waters; however, despite its pristine appearance of crystal blue waters and white sand, it is sadly the site of pollution from multiple sources. Your Committee further finds that various methods of artificial water circulation, including jet aeration and pumping systems, to increase oxygenation, improve water quality, and mitigate environmental damage caused by shoreline destruction and water contamination have worked across the world and believes such methods can be employed in Pokai Bay to reduce pollution and restore its beauty.

Your Committee has amended this measure by:

- (1) Replacing the Department of Land and Natural Resources with the Department of Health as the lead agency;
- (2) Directing the Department of Health to collaborate with the Department of Land and Natural Resources and the Aha Moku Advisory Committee, rather than a representative from a list provided by native Hawaiian organizations, in addition to other entities specified;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1500, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1500, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 267 Water and Land on S.B. No. 1526

The purpose and intent of this measure is to provide funding for a DOCARE DLNRTip app administrator position and software upgrades and app enhancements.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and twelve individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the DOCARE DLNRTip app is a free, smartphone-based application that allows community members to anonymously report violations on public lands to the Department of Land and Natural Resources. When submitting a tip, a user includes the subject, location, and any helpful photos or videos of the violation. The DOCARE DLNRTip app's strengths include the ability to quickly report illegal acts, anonymity, and accessibility to anyone. However, the DOCARE DLNRTip app suffers from the absence of backend database management and analytics processing. Your Committee finds that additional funding is needed to enable database management and analytics processing to address the DOCARE DLNRTip app's existing weaknesses and enhance DLNR's ability to efficiently enforce violations.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1526, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1526, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 268 Transportation on S.B. No. 660

The purpose and intent of this measure is to create a non-compliant identification card for individuals that are not able to provide an updated photograph and documentation in-person, as required by the federal REAL ID Act of 2005.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that the federal REAL ID Act of 2005 requires all applicants to appear in-person in order to obtain a compliant identification card. This requirement prevents those who are severely disabled to the point of being homebound from obtaining a compliant identification card. Your Committee finds that homebound individuals require an identification card when conducting various transactions with entities like financial institutions, health providers, hospitals, and government agencies. Your Committee believes that the requirement to appear in-person for a compliant identification card creates extreme difficulties for those

who cannot appear in-person. This measure would create procedures to allow those who are severely disabled and homebound to obtain a non-REAL ID Act 2005 compliant identification card so that those individuals can have some form of identification.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 660 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 269 Transportation on S.B. No. 1378

The purpose and intent of this measure is to authorize owners of a shipping container chassis to keep a duplicate copy of the certificate of registration within the shipping container chassis and the original certificate of registration at their principal place of business

Your Committee received testimony in support of this measure from the Hawaii Transportation Association and Matson.

Your Committee finds that a shipping container chassis is a wheeled frame that is designed to carry a shipping container over the road. Currently, owners of shipping container chassis must keep the original copy of the registration within the chassis. Your Committee further finds that a shipping container chassis may endure harsh conditions and does not have the necessary compartments to properly and safely store an original registration certificate. This measure would allow owners of a shipping container chassis to safely keep the original registration in their place of business for inspection, if needed.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1378 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 270 Transportation on S.B. No. 1427

The purpose and intent of this measure is to appropriate funds to the Department of Transportation for operations and 7 staff positions to increase hours of operation of the Kuhio highway contraflow on Kauai.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that traffic congestion in the Wailua-Kapaa corridor in the County of Kauai continues to worsen, creating significant delays for residents and visitors and ultimately degrading the quality of life for those who live on Kauai. Your Committee further finds that the existing contraflow operation serves an effective mitigation measure to reduce traffic congestion Monday through Saturday. However, there is no contraflow operations on Sunday or holidays, during a time when the roads see a lot of traffic. This measure would provide funding to the Department of Transportation to continue the operation of the contraflow in Kauai, thereby mitigating traffic congestion and improving the quality of life for residents and visitors of Kauai.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1427 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Harimoto). Noes, none. Excused, none.

## SCRep. 271 Transportation on S.B. No. 1298

The purpose and intent of this measure is to appropriate funds to the Department of Transportation to reopen Highway 132, also known as Kapoho Road.

Your Committee received testimony in support of this measure from the Kapoho Land Partnership, Sunny Kapoho Citrus, Kalapana Seaview Estates Community Association, Laumana Farms, one member of the Hawai'i County Council, and seventy-four individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation. Your Committee received comments on this measure from the Office of the Mayor of the County of Hawai'i.

Your Committee finds that the eruption of Kilauea displaced many families and caused significant damage on the island of Hawaii. Your Committee further finds that Highway 132, also known as Kapoho Road, has been lava-locked, preventing neighbors and agricultural tenants from accessing their homes or lands. Your Committee also finds that Kapoho Road is in a critical area for farms, with an abundance of land that grow papaya, oranges, and other types of produce. Currently, the residents of the island of Hawaii are recovering from the devastating effects of the eruption, but are still unable to return to their homes and farms. Your Committee believes that supporting efforts to assist families and farmers to return to their livelihood is in the best interest of the State as a whole.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1298 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Harimoto). Noes, none. Excused, none.

## SCRep. 272 Transportation on S.B. No. 411

The purpose and intent of this measure is to exempt marine terminal equipment temporarily moving in or between marine terminals at Hilo Harbor, Kawaihae Harbor, Kahului Harbor, and Nawiliwili Harbor from inspection, registration, and licensing requirements.

Your Committee received testimony in support of this measure from the Department of Transportation and Matson.

Your Committee finds that currently the movement of marine terminal equipment is only permitted in certain terminals, ultimately restricting movement between other terminals and commercial harbors. This measure would promote operational efficiencies at the harbors by streamlining the existing process to allow the movement of marine equipment between terminals, further allowing harbor users to reallocate resources as needed.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 411, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 411, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 273 Transportation on S.B. No. 438

The purpose and intent of this measure is to provide an income tax credit to taxpayers who install or operate an electric vehicle charging system that is available for use by the public.

Your Committee received testimony in support of this measure from the Big Island Electric Vehicle Association, Hawaiian Electric Company Inc., Hawaii Automobile Dealers' Association, Alliance of Automobile Manufacturers, Ulupono Initiative, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that ground transportation in Hawaii utilizes more than a quarter of the State's imported petroleum. Transitioning to electric vehicles will significantly reduce the State's dependence on imported fossil fuels, keeping millions of dollars in the State. Your Committee further finds that converting from petroleum-based vehicles to electric vehicles immediately reduces greenhouse gas emission, helping to combat climate change and its impact on Hawaii. Your Committee also finds that electric vehicles are a key factor in addressing Hawaii's pressing climate issues and can help accelerate the State's goal of one hundred percent renewable energy, while also contributing to the Paris Agreement commitments and carbon neutral goal. This measure would incentivize the installation of electric vehicle charging stations around the State, thereby attracting more residents to purchase electric vehicles.

Your Committee has amended this measure by:

- (1) Establishing a tiered income tax credit for the installation or upgrade of an electric vehicle charging system;
- (2) Establishing caps for the allowable tax credit per taxpayer; and
- (3) Establishing a cap of \$3,000,000 for the total amount of tax credit allowed in any taxable year.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 438, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 438, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 274 Transportation on S.B. No. 824

The purpose and intent of this measure is to:

- (1) Prohibit operating a moped or motor scooter from any rental company unless a person wears a safety helmet; provided that the prohibition does not apply if a person has a valid license from any state to operate a motorcycle; and
- (2) Prohibit the rental of any moped or motor scooter with an aftermarket modification to its motor.

Your Committee received testimony in support of this measure from the Department of Transportation and seventy-two individuals. Your Committee received testimony in opposition to this measure from the Street Bikers United Hawaii.

Your Committee finds that from 2016 to 2018, there were 23 motor scooter and moped operator fatalities, and of the 23 fatalities, 22 operators were not wearing helmets. Wearing a helmet while operating a moped, powered scooter, or other motorized cycle decreases fatalities and serious injuries. Your Committee notes that according to the Hawaii Injury Prevention Plan for 2012-2017, published by the Department of Health and the Emergency Services and Injury Prevention System Branch, properly worn helmets can reduce the risk of death by 42 percent and the risk of a head injury by 69 percent. This measure would require anyone who rents or leases a motor scooter or moped to wear a helmet and will help to reduce the amount of motor scooter and moped related fatalities.

Your Committee has amended this measure by:

Specifying that rental companies are required to provide helmets to any person renting a motor scooter or moped unless that
person provides their own safety helmet; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 824, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 824, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 275 Transportation on S.B. No. 656

The purpose and intent of this measure is to:

- (1) Include helicopters in the definition of "aircraft" for purposes of the aircraft service and maintenance facility general excise tax exemption;
- (2) Expand the types of aircraft eligible for the aircraft service and maintenance facility general excise tax exemption by removing the qualification of an aircraft having two or more jet engines; and
- (3) Eliminate the space requirements for the aircraft service and maintenance facility general excise tax exemption and add a requirement that seventy-five percent of helicopters serviced within any aircraft service and maintenance facility be equipped with quiet technology.

Your Committee received testimony in support of this measure from the Blue Hawaiian Helicopters. Your Committee received testimony in opposition to this measure from the Office of the Mayor of the County of Hawaii, Life of the Land, and three individuals. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, Safari Aviation Inc., Activities and Attractions Association of Hawaii, and one individual.

Your Committee finds that the State relies on a well-functioning aircraft industry in order to have a strong and robust economy. In order to ensure the health of the aircraft industry, the State offers an exemption to the general excise tax for the servicing and maintenance of aircrafts. In existing law, helicopters are not considered an aircraft and therefore do not receive the advantages of a general excise tax exemption. Your Committee further finds that due to Hawaii's vast and natural beauty, helicopters have grown increasingly popular for tours. This measure would encourage the expansion of the helicopter industry in Hawaii, resulting in an increase in revenue for the State.

Your Committee has amended this measure by:

- (1) Specifying the tax period that the taxpayer must meet the seventy-five percent threshold requirement;
- (2) Reinstating the space requirement for an aircraft service and maintenance facility; and
- (3) Inserting a definition for "quiet technology".

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 656, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 656, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 276 (Joint) Higher Education and Energy, Economic Development, and Tourism on S.B. No. 200

The purpose and intent of this measure is to:

- (1) Appropriate funds for the University of Hawaii to fund one or more programs sponsored or organized by a University of Hawaii community college or a four-year campus to expand opportunities for international college experiences for students; and
- (2) Require the University of Hawaii to work in collaboration with the Department of Business, Economic Development, and Tourism and submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and two individuals. Your Committees received comments on this measure from the University of Hawai'i System and Department of Business, Economic Development, and Tourism.

Your Committees find that there have been initiatives within the University of Hawaii System to provide students with educational and cultural experiences to visit the Asia-Pacific region. With a local population largely made of descendants of plantation workers and immigrants from China, Japan, Korea, the Philippines, and other parts of the Asia-Pacific region, Hawaii's residents should take advantage of these cultural and historic ties for the potential economic benefit of the State. This measure allows students to become more familiar with these nations and this region and further exposes Hawaii students to enhanced economic and cultural opportunities.

As affirmed by the records of votes of the members of your Committees on Higher Education and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 200 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

## SCRep. 277 Higher Education on S.B. No. 452

The purpose and intent of this measure is to appropriate funds to continue and expand health care apprenticeship programs at the University of Hawaii community colleges.

Your Committee received testimony in support of this measure from the University of Hawai'i System, The Queen's Health Systems, Hawai'i Primary Care Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and three individuals.

Your Committee finds that apprenticeship programs approved by University of Hawaii community colleges are composed of two major components: work process and related instruction. The work process component consists of on-the-job training, while the related instruction component is the structured class and laboratory or shop curricula. Therefore, apprenticeship programs develop job skills through theoretical and practical experiences.

Your Committee further finds that, in 2016, the United States Department of Labor, Employment and Training Administration awarded the Hawaii State Department of Labor and Industrial Relations a substantial grant to expand apprenticeship opportunities in information technology and health care. This grant helped to alleviate the shortage of physicians, pharmacy technicians, nursing assistants, paraoptometric technicians, medical laboratory workers, and community health workers. This measure further supports the development, education, and training for individuals looking to enter the health care field.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 452 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 278 Higher Education on S.B. No. 762

The purpose and intent of this measure is to:

- Establish and appropriate funds for the P-20 agriculture education coordinator position within the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources; and
- (2) Specify the duties of the P-20 agriculture education coordinator and P-20 agriculture education working group.

Your Committee received testimony in support of this measure from the Department of Agriculture, Department of Education, University of Hawai'i System, Kōkua Hawai'i Foundation, Ka Ohana O Na Pua, Hawai'i Farm to School Hui, Hawai'i Farm Bureau, Hawaii FFA – Kalani High School, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Down to Earth Organic and Natural, and ten individuals.

Your Committee finds that Hawaii does not have an adequate-sized farming workforce for expansion of cultivated agricultural lands and food production. In order to meet the State's aspirations for increased food security and self-sufficiency, the number of local farms and farmers and the amount of food produced for local markets will need to increase significantly through agriculture and natural resource management education.

Your Committee further finds that the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources convened the P-20 agriculture education working group to develop a coordinated framework of support for agriculture education for preschool through post-secondary. This measure asserts the implementation of that framework through the establishment of a P-20 agriculture education coordinator to lead the implementation plan for a coordinated framework of support for P-20 agriculture education in the State.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 762 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 279 Higher Education on S.B. No. 1418

The purpose and intent of this measure is to appropriate funds for four full-time equivalent (4.00 FTE) positions for the University of Hawaii system-wide Pamantasan Council, including instructional faculty, student personnel, and graduate assistantships.

Your Committee received testimony in support of this measure from the University of Hawai'i System; University of Hawai'i Pamantasan Council; Pamantasan 2019 Conference Committee in Hawai'i Island; The Filipino Community Center, Inc.; Filipina Advocacy Network; Filipino-American Historical Society of Hawai; Filipinos for Affirmative Action; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'; and twelve individuals.

Your Committee finds that, despite their high representation in the general population and in schools within the Department of Education, students of Filipino ancestry are underrepresented at certain campuses within the University of Hawaii System. While students of Filipino ancestry are well-represented at the University of Hawaii West Oahu and University of Hawaii community colleges, students of Filipino ancestry are severely underrepresented at the University of Hawaii at Manoa, comprising only ten percent of undergraduate students and four percent of graduate students.

Your Committee further finds that support for the Filipino community in higher education will increase the representation of Filipino students and professionals in the education, health, legal, business, science, technology, engineering, and mathematics fields.

This measure provides additional resources for students of Filipino ancestry that may increase academic interest, student success, and graduation among Filipino students.

Your Committee notes that although the appropriation is blank, an appropriation of \$390,000 is necessary for the four full-time equivalent (4.00 FTE) positions for the University of Hawaii system-wide Pamantasan Council, including instructional faculty, student personnel, and graduate assistantships.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1418 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kahele).

#### SCRep. 280 Higher Education on S.B. No. 1419

The purpose and intent of this measure is to require the University of Hawaii to include all long-term leases the university enters into with the intent to purchase as part of its capital improvement projects budget request.

Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that the funds expended by the University of Hawaii and the accompanying contractual obligations it must adhere to when entering into long-term leases are matters of statewide concern. This measure provides additional transparency for the potential purchasing of property by the University of Hawaii to ensure that university resources are used effectively and efficiently.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1419, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1419, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kahele).

#### SCRep. 281 Higher Education on S.B. No. 1512

The purpose and intent of this measure is to require the University of Hawaii, West Oahu campus, to offer a Bachelor's degree in creative media

Your Committee received testimony in support of this measure from the University of Hawai'i System; Department of Business, Economic Development, and Tourism; Washington Place; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and thirteen individuals.

Your Committee finds that the film, television, and digital media industry in Hawaii can and should be strengthened. Currently, the University of Hawaii, West Oahu campus, offers a Bachelor's of Applied Science degree with a concentration in creative media and a Bachelor's of Humanities degree with a concentration in creative media. However, prospective employers may not see these degrees on the same level as a Bachelor's of Arts degree from the University of Hawaii at Manoa or other universities. This measure would provide a much needed degree for students pursuing creative media and develop and expand a locally trained creative media industry workforce.

Your Committee has amended this measure by:

- (1) Specifying that the University of Hawaii, West Oahu campus, shall offer a Bachelor's of Arts degree in creative media;
- (2) Inserting language that specifies that the University of Hawaii System and Board of Regents of the University of Hawaii shall pass, finalize, and approve, including seeking approval from the Western Association of Schools and Colleges for, the Bachelor's of Arts degree in creative media by May 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1512, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1512, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kahele).

# SCRep. 282 Government Operations on S.B. No. 502

The purpose and intent of this measure is to require:

- (1) Notification to the Legislative Reference Bureau of any report required for submission to the Legislature;
- (2) The Legislative Reference Bureau to develop a spreadsheet on the status and subject of all required reports;
- (3) The Legislative Reference Bureau to inform the Legislature of all reports that were not timely submitted; and
- (4) Governmental agencies that submit reports to include certain information to facilitate the Legislative Reference Bureau's timely reporting of the submission of those reports.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that it is necessary to establish a streamlined system that accurately informs the Legislature of departments, agencies, and offices that are not meeting reporting requirements. The Legislative Reference Bureau already has an approximate compilation of required reports, so it is the appropriate entity to create a spreadsheet outlining more detailed information about the reports. This measure requires the Legislative Reference Bureau to create a spreadsheet of all reports required for submission, so the Legislature can accurately track and oversee that reports are properly and timely submitted.

Your Committee has amended this measure by:

- (1) Clarifying that the Legislative Reference Bureau shall make the spreadsheet available to the Legislature after the forty-five day veto override period has elapsed and again by the first day of each regular session, rather than twenty days prior to the convening of each regular session; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 502, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 502, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Baker).

#### SCRep. 283 Government Operations on S.B. No. 1057

The purpose and intent of this measure is to require the Office of Information Practices to resolve all public complaints regarding access to public records or open meetings within six months of the date the complaint was received.

Your Committee received testimony in support of this measure from The Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Office of Information Practices.

Your Committee finds that the Office of Information Practices was created to provide the public with a forum for the speedy resolution of disputes regarding access to public records, with an expeditious, informal, and free review process. However, the Office has not been resolving complaints in an expeditious manner. Your Committee notes that many states with an agency similar to the Office of Information Practices impose a six-month deadline on the agency to resolve public disputes.

Your Committee also finds that timely access to public records is critical and unnecessary delays in accessing government information increase public mistrust of, and disillusionment with, its representative government. This measure is intended to ensure that the Office of Information Practices responds to public complaints in a timely manner that best serves the public and provides transparency in government operations.

Your Committee has heard testimony from the Office of Information Practices, expressing concerns that the Office will not be able to meet the statutory deadline proposed by this measure without additional long-term, dedicated funding and training time for additional personnel. Your Committee notes, however, that the Office acknowledged that other jurisdictions issue decisions in a shorter timeframe and utilize shorter memoranda. Passage of this measure can serve as a policy call by the Legislature to prioritize the pace of decisions, which guidance can promote the restructuring of work flow and efficiencies within the Office.

Your Committee does acknowledge that the deadline proposed by this measure will be more manageable for the Office if the Office is allocated additional resources for salary parity, allowing the Office to more easily retain experienced staff. Your Committee on Ways and Means may wish to consider the Office's request for additional funding.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1057, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1057, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 284 Government Operations on S.B. No. 503

The purpose and intent of this measure is to:

- (1) Require each department to deduct the department's total salary overpayment from the department's budget request for the following fiscal biennium;
- (2) Require employees who exhaust their sick leave to be placed on a manual accounting system; and
- (3) Remove the two-year statute of limitations on the determination and notice of salary or wage overpayment.

Your Committee received testimony in support of this measure from the Department of Transportation and University of Hawai'i System. Your Committee received comments on this measure from the Department of Education, Department of Accounting and General Services, and State of Hawaii Employees' Retirement System.

Your Committee finds that salary overpayments have been an ongoing issue throughout many departments and agencies of the State with approximately half of all salary overpayments the result of employees calling in sick without having sufficient sick leave

accumulated. This measure requires each department to deduct salary overpayments from the department's budget request; requires employees who use their sick leave to be placed on a manual accounting system; and removes the two-year statute of limitations on the determination and notice of salary overpayment. Holding state departments and agencies accountable for salary overpayments will decrease overpayment waste and increase state efficiency.

Your Committee has amended this measure by:

- (1) Specifying that employees who exhaust their vacation leave must be placed on a manual accounting system;
- (2) Inserting an effective date of July 1, 2025, to encourage further discussion;
- (3) Making a technical, nonsubstantive amendment to correct an incorrect reference in the purpose section to conform to the substantive language of this measure; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 503, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 503, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 285 Government Operations on S.B. No. 1055

The purpose and intent of this measure is to require the Governor, Lieutenant Governor, members of the Legislature, Governor-appointed Executive of each principal department, President of the University of Hawaii, Superintendent of Education, Administrative Director of the State, Administrative Director of the Courts, and the Administrator of the Office of Hawaiian Affairs to disclose additional information regarding income received from certain businesses or services.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission and Life of the Land.

Your Committee finds that under existing law, various state officials are required to file annual financial disclosure statements with the State Ethics Commission. However, the Governor, Lieutenant Governor, members of the Legislature, principle department executives, President of the University of Hawaii, Superintendent of Education, Administrative Director of the State, Administrative Director of the Courts, and the Administrator of the Office of Hawaiian Affairs are not required to disclose individual items of compensation that constitute a portion of their income or any specific information regarding clients.

This measure requires these high-level state officials to provide more specificity and detail in their financial disclosure statements, which will promote public trust and aid the State Ethics Commission in identifying and addressing, if needed, any potential conflicts of interest to ensure the highest levels of integrity in state government.

Your Committee has amended this measure by making a technical, nonsubstantive amendment to correctly reflect the most current language in the Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1055, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1055, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 286 Government Operations on S.B. No. 142

The purpose and intent of this measure is to clarify State Ethics Code provisions regarding gift disclosure statements, retention of financial disclosure statements, and ethics training.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission.

Your Committee finds that under existing law, the gift disclosure statement reporting period is from June 1 of the preceding calendar year through June 1 of the year of the report, which means that a gift received on June 1 must be reported twice.

Your Committee further finds that the State Ethics Commission is currently required to keep financial disclosure statements for the duration of the term of office of the legislator, employee, or delegate, plus an additional six years after filers leave office, which causes an unnecessary amount of administrative recordkeeping, especially in the case of Legislators who stay in office for many years.

Your Committee also finds that existing law states that an ethics training session must be held in January and last a minimum of two hours, which is outdated and does not reflect the actual training being provided that is offered multiple times a year and often lasts between an hour to an hour and a half.

Accordingly, this measure addresses these issues and improves administration of the State Ethics Code by eliminating the double filing requirement of gift disclosure statements, reducing the unnecessary administrative burden on commission staff by only requiring records to be kept six years after the filing date of each financial disclosure statement, and providing flexibility for participants in mandatory ethics training sessions.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 142, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 142, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 287 Government Operations on S.B. No. 290

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Accounting and General Services.

Your Committee received comments on this measure from the Department of Accounting and General Services and Office of Information Practices.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Accounting and General Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 290 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 288 Government Operations on S.B. No. 1110

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Accounting and General Services.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services, Hawai'i State Foundation on Culture and the Arts, and Stadium Authority of Aloha Stadium. Your Committee received comments on this measure from the Department of Accounting and General Services.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Accounting and General Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Removing capital improvement project budget items that are under the purviews of the Committees on Technology; Energy, Economic Development, and Tourism; Labor, Culture and the Arts; and Judiciary; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1110, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

## SCRep. 289 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 258

The purpose and intent of this measure is to reduce risks to public health and welfare by banning the use of lead-based paints on outdoor structures and to provide for an abatement plan for lead hazards that already exist on outdoor structures.

Your Committees received testimony in support of this measure from the Department of Education and Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committees received comments on this measure from the Department of Health.

Your Committees find that lead-based paint has serious health risks. Lead has been shown to cause neurological damage, behavioral and learning disabilities in children, kidney damage, miscarriages, and more. There is no safe level of exposure to lead and no way to reverse the damage caused by lead exposure.

Your Committees also find that while restrictions on lead-based paints have been in place for residential structures for decades, only Delaware has restrictions on lead-based paints on outdoor structures. Lead-based paints have historically been used and continue to be allowed on outdoor structures such as bridges, water towers, playground equipment, highways, parking lots, and utility towers and

poles. The use, maintenance, and removal of paints containing lead on outdoor structures create lead exposure pathways that are hazardous to workers, contaminate the environment, and expose children and adults who live, work, and play in proximity to these structures

Your Committees note that the Department of Health does not currently have the resources and expertise it needs to implement rules to ban lead-based paint on outdoor structures and create an abatement plan for existing structures with lead-based paint. Your Committees also note that this measure does not appropriate funds for such purposes.

Accordingly, your Committees have amended this measure by:

- (1) Deleting the requirement for administrative rulemaking regarding development of the lead-based paint abatement plan; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 258, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 258, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 290 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 367

The purpose and intent of this measure is to prohibit food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

Your Committees received testimony in support of this measure from the Department of Education, Office of Hawaiian Affairs, one member of the Hawaii County Council, County of Maui Department of Environmental Management, Ocean Tourism Coalition, Beach Environmental Awareness Campaign Hawaii, Dolphin Quest, Surfrider Foundation Oʻahu, Animal Rights Hawaii, Hawaii Reef and Ocean Coalition, Keiko Conservation, League of Women Voters of Hawaii, Sierra Club of Hawaii, Americans for Democratic Action, Zero Waste Oʻahu, Kokua Hawaii Foundation, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Kaiser High School Wipeout Crew, Delphi Cinema, Sustainable Coastlines Hawaii, and over seventy individuals. Your Committees received testimony in opposition to this measure from Papa's Cafe; Wiki Wiki Drive Inn; Loco Moco Drive Inn; Plastics Industry Association; Hibachi Kailua; Hawaii Restaurant Association; Hawaii Food Industry Association; Queen Street Cafe & Grill; Jets Fast Food; Shiro's Saimin Haven; HNA Food Services LLC dba Tsukenjo's; Nabeya Maida; Chamber of Commerce Hawaii; Retail Merchants of Hawaii; KYD, Inc. dba K. Yamada Distributors; and two individuals. Your Committees received comments on this measure from the Department of Health and Department of Environmental Services of the City and County of Honolulu.

Your Committees find that plastic straws, polystyrene foam, and plastic bags are seemingly everywhere, often ending up as marine trash, littering beaches, or unknowingly consumed by sea life. Other jurisdictions have taken steps to prohibit the sale and distribution of such products. Hawaii, as a leader in advancing protections of marine life and the marine environment, should ban these unnecessary, single-use objects that are contributing to the world's plastic problem.

Your Committees have amended this measure by:

- (1) Removing language that would have provided an undue hardship exemption for stores and food service businesses;
- (2) Delaying its effective date to July 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 367, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 367, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 291 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 239

The purpose and intent of this measure is to:

- Prohibit manufacturers and contract testing facilities in Hawaii from using animal test methods for the purpose of testing
  cosmetics or household products for which an alternative test method is available; and
- (2) Impose a civil fine and authorize the Attorney General to seek injunctive relief for violations of the prohibition.

Your Committees received testimony in support of this measure from the Department of Education, West Hawaii Humane Society, Cruelty Free International, National Anti-Vivisection Society, Animal Rights Hawai'i, Humane Society of the United States, Down to Earth Organic and Natural, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Wipeout Crew, and twenty-two individuals.

Your Committees find that there are no federal laws in the United States that prohibit the use of animals for cosmetic or household products testing or require companies to first look for alternative testing methods. Your Committees further find that several other states require alternative testing methods, if available, to be used for cosmetic and household product testing. Your Committees

additionally find that by setting forth a clear regulatory mandate to utilize non-animal testing methods whenever available, Hawaii can prevent animal suffering and ensure that the best available scientific tests are used for products developed and manufactured in the State.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 239 and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 292 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 522

The purpose and intent of this measure is to:

- Prohibit the purchase, use, sale, or distribution of single-use plastic bottles, utensils, stirring sticks, polystyrene foam containers, and straws by state and county agencies after July 1, 2021, and by businesses selling food and beverages after July 1, 2022;
- (2) Ban the distribution or sale of plastic bags after July 1, 2023;
- (3) Ban the sale or distribution of single-use plastic beverage containers after July 1, 2025; and
- (4) Establish and appropriate funds for the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging.

Your Committees received testimony in support of this measure from the County of Maui Department of Environmental Management; one member of the Hawai'i County Council; Keiko Conservation; Pacific Agricultural Land Management Systems; Hawai'i Reef and Ocean Coalition; League of Women Voters Hawaii; Sierra Club of Hawai'i; Friends of Hanauma Bay; Surfrider Foundation, O'ahu Chapter; Animal Rights Hawai'i; Pacific Whale Foundation; Zero Waste O'ahu; Kailua Beach Adventures; Kokua Hawaii Foundation; Dolphin Quest; Kaiser High School Wipeout Crew; Delphi Cinema; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Sustainable Coastlines Hawaii; and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii Food Industry Association; International Bottled Water Association; Plastics Industry Association; Maui Soda & Ice Works, Ltd.; Hawai'i Restaurant Association; American Beverage Association; KYD, Inc. dba: K. Yamada Distributors; Retail Merchants of Hawaii; Chamber of Commerce Hawaii; and nine individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of Health.

Your Committees find that the local and global impact of the world's increasing waste stream is unsustainable and detrimental to the future of Hawaii's economy and people. There has been an exponential rise in single-use foodware items, including plastic bottles, caps, lids, straws, cups, and polystyrene and plastic containers, which are major contributors to street and beach litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions. This measure minimizes packaging and promotes alternatives derived from compostable materials, which are now widely available, to benefit the State's economy as it shifts toward a system of responsible reuse.

Your Committees have amended this measure by:

- (1) Deleting language that would have prohibited individuals or businesses from distributing, selling, or providing any form of single-use plastic beverage container after July 1, 2025;
- (2) Requiring the plastic source reduction working group to study and develop a systematic plan to phase out the use of single-use plastic beverage containers; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 522, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 522, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 293 Judiciary on S.B. No. 120

The purpose and intent of this measure is to create a statutory right of victims and witnesses of sexual offenses to a speedy trial in criminal cases involving adult defendants that is subordinate only to the defendant's right to a speedy trial.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that victims and witnesses of sexual offenses are especially vulnerable, and that repeated postponement of trial in such cases causes further harm by delaying the justice owed to crime victims. This measure minimizes the risk of unnecessary postponements and delays by establishing a right to a speedy trial for victims and witnesses of sexual offenses. However, your Committee further finds that the due process rights of defendants in criminal cases are central to the integrity of the criminal justice system. Your Committee additionally finds that the due process rights of defendants in criminal cases are constitutionally established.

This measure attempts to balance defendants' constitutional rights and the need for victims of sexual offenses to receive a speedy resolution of their case.

Your Committee has amended this measure by:

- (1) Clarifying that the right of victims and witnesses to a speedy trial is subordinate only to the defendant's state and federal constitutional rights; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 120, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 120, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 294 Judiciary on S.B. No. 840

The purpose and intent of this measure is to:

- Allow the Campaign Spending Commission to refer a complaint to the Attorney General or county prosecutor in addition to
  any administrative determination and without the requirement that the Commission believes the respondent has recklessly,
  knowingly, or intentionally committed a violation;
- (2) Disqualify a person convicted of violating elections criminal prosecution laws from holding elective public office for ten years instead of four years; and
- (3) Repeal language stipulating that elections criminal prosecution law does not apply to any person who has paid or has agreed to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

Your Committee received testimony in support of this measure from the Campaign Spending Commission.

Your Committee finds that campaign finance violations are a matter of serious concern. Your Committee further finds that, under existing law, the Campaign Spending Commission is unable to apply a civil remedy to a campaign finance violation that the Commission has referred for prosecution unless the prosecuting authority declines prosecution and refers the case back to the Commission. Your Committee additionally finds that this process can take years in some cases. This measure gives the Commission flexibility in dealing with serious campaign finance violations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 840 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 295 Judiciary on S.B. No. 686

The purpose and intent of this measure is to:

- (1) Decriminalize and regulate small amounts of marijuana for personal use;
- (2) Establish a licensing scheme for the cultivation, sale, and use of small amounts of marijuana for personal use;
- (3) Tax marijuana in the same manner as state excise taxes; and
- (4) Subject income derived from marijuana sales to state income taxes.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i; VivaGrow Systems, Inc.; We Are One, Inc.; Kama'aina Kingdom; Mana Artisian Botanics; Global Loading Zone, Inc.; Patients Without Time; HCC Legislative Committee; Drug Policy Forum of Hawaii; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Kine Bottles; Community Alliance on Prisons; Young Progressives Demanding Action; American Civil Liberties Union of Hawai'i; IMUAlliance; Life of the Land; Drug Policy Action Group; and four hundred thirty-one individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation, Department of the Attorney General, Honolulu Police Department, Honolulu County Republican Party, Hawaii Family Forum, Hawaii Chapter of the American Academy of Pediatrics, Coalition for a Drug-Free Hawaii, Bobby Benson Center, Hawaii Future Project, and forty-three individuals. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, Hawaii Chapter of Mothers Against Drunk Driving, Hawai'i Educational Association for Licensed Therapeutic Healthcare, and three individuals.

Your Committee finds that ten states and the District of Columbia have legalized the recreational use of cannabis by adults, and that others are in the process of considering legalization. Your Committee further finds that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Your Committee additionally finds that recent polling indicates broad public support in Hawaii for the legalization of cannabis.

Your Committee also finds that medical cannabis dispensaries have been authorized to begin operating since July, 2016. Your Committee further finds that these dispensaries are highly regulated and monitored. Your Committee additionally finds that there is no need to set up an entirely new system of licensed cannabis retail establishments at this time when an established cannabis production and dispensary system already exists.

Accordingly, your Committee has amended this measure by:

- (1) Removing language allowing marijuana retail establishments;
- (2) Allowing medial cannabis dispensaries to begin selling recreational cannabis after February 1, 2021;
- (3) Allowing persons twenty-one years of age and older to possess up to 0.5 ounces of cannabis or cannabis products for personal use;
- (4) Imposing an additional fifteen percent excise tax on the sale of non-medical cannabis and non-medical cannabis products;
- (5) Specifying that thirty percent of the additional excise tax on the sale of non-medical cannabis and non-medical cannabis products shall be used to provide substance abuse prevention and education;
- (6) Clarifying that bans on smoking and the use of tobacco products also apply to smoking non-medical cannabis and non-medical cannabis products;
- (7) Making numerous conforming amendments, including changing "marijuana" to "cannabis" throughout; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 686, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 686, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 296 Judiciary on S.B. No. 1269

The purpose and intent of this measure is to:

- (1) Replace the tax boards of review with a single tax appeal review panel comprised of members serving on a full-time basis; and
- (2) Amend the grounds on which an appeal to the administrative appeals and dispute resolution program may be made by disallowing appeals of proposed assessments.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee finds that the system of tax boards of review is impractical due to the difficulty of recruiting a sufficient pool of qualified members. Your Committee further finds that a significant number of tax appeals have been unable to be heard or have been substantially delayed due to the boards' inability to constitute quorum. This measure will replace the tax boards of review system with a single tax appeal review panel comprised of members serving on a full-time basis who are empowered to hear and decide cases individually.

Your Committee has amended this measure by:

- (1) Allowing any person who has already filed an appeal with a board of review to choose to either continue their appeal with the board of review or withdraw and re-file their appeal with the tax appeal review panel until January 1, 2021, at which point all remaining appeals before a board of review automatically transfer to the tax appeal review panel; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1269, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1269, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 297 (Joint) Education and Transportation on S.B. No. 876

The purpose and intent of this measure is to:

- (1) Require all public schools in the County of Hawaii to participate in the safe routes to school program; and
- (2) Appropriate funds to support the safe routes to school program for schools in the County of Hawaii.

Your Committees received testimony in support of this measure from the Department of Education, Department of Transportation, one member from the Hawai'i County Council, Peoples Advocacy for Trails Hawaii, Keiki Injury Prevention Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Hawaii Bicycling League.

Your Committees find that the purpose of the safe routes to school program in Hawaii is to promote walking and bicycling to and from school, encourage elementary and middle school aged children to be physically active, and prevent childhood obesity. Additionally, the program provides for community infrastructure improvements strategically designed to reduce vehicular traffic and congestion around schools. This measure will facilitate the growth of safer communities and ensure the safety of students by substantially improving the ability of primary and middle school students to bike and walk to and from school safely.

Your Committees have amended this measure by:

- (1) Specifying that all public elementary, intermediate, and middle schools in the County of Hawaii shall participate in the safe routes to school program; and
- (2) Specifying the expending agency of the appropriation to the County of Hawaii.

As affirmed by the records of votes of the members of your Committees on Education and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 876, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 876, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

Transportation: Ayes, 4; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (English).

# SCRep. 298 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 242

The purpose and intent of this measure is to:

- Require the State's Medicaid managed care and fee-for service programs to provide coverage for home and community-based services for individuals diagnosed as having autism, beginning January 1, 2020; and
- (2) Require the Department of Human Services to seek a section 1115 waiver to amend the state Medicaid plan to include this coverage.

Your Committees received testimony in support of this measure from the Hawai'i Psychological Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and fifteen individuals. Your Committees received comments on this measure from the Department of Human Services, Department of Health, Hawaii Disability Rights Center, Autism Society of Hawaii, and Hawaii Medical Service Association.

Your Committees find that beneficiaries of home and community-based services must meet level of care assessment independent of their autism diagnosis. To meet the level of care criteria, an individual must be assessed to have some functional limitations that reflect the need for home and community-based services. Your Committees further find that many Medicaid beneficiaries with autism may function at a high level and therefore do not qualify for home and community-based services. This measure ensures that home and community services are provided to all individuals diagnosed with autism, regardless of the level of care needed.

Your Committees have amended this measure by:

- (1) Removing references to the early and periodic screening, diagnosis, and treatment services benefit, as this is already covered through the QUEST Integration program;
- (2) Amending the definition of "therapeutic care" for consistency with the existing definition in the Insurance Code;
- (3) Specifying that the coverage provided also includes individuals diagnosed with fetal alcohol spectrum disorder; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 242, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 242, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

## SCRep. 299 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 462

The purpose and intent of this measure is to:

- (1) Extend the nursing facility sustainability fee program to 2021;
- (2) Allow the nursing facility sustainability fee to be used to enhance capitated rates for the purpose of paying quality incentives;
- (3) Increase the nursing facility sustainability fee limit from 4.0 percent to 5.5 percent of net patient service revenue;
- (4) Increase the per resident daily maximum fee from \$13.46 to \$20 for each facility, and increases the per resident reduced daily maximum fee from \$5.85 to \$9 for facilities that meet certain exceptions; and
- (5) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of Human Services, The Queen's Health Systems; Ohana Pacific Management Company, Healthcare Association of Hawaii, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committees find that nursing facilities in the State face major financial challenges in providing quality long-term care for Hawaii residents. As a result, the Legislature created the nursing facility sustainability program to increase Medicaid payments to nursing facilities in recognition that Medicaid payments to nursing facilities are below the actual costs of care. The additional federal funds obtained via the fee program authorized by the nursing facility sustainability program have helped to reduce the amount of losses incurred by long-term care facilities and maintain access to care for Medicaid recipients. This measure extends the nursing facility sustainability program, which will preserve access to quality health care for Medicaid recipients.

Your Committees have amended this measure by:

- Clarifying that all facilities owned, operated by, or affiliated with the Hawaii Health Systems Corporation are exempted from
  the nursing facility sustainability fee, as these facilities participate in a different program to cover uncompensated care costs;
  and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 462, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 462, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

## SCRep. 300 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 463

The purpose and intent of this measure is to:

- (1) Extend the hospital sustainability program for two years;
- (2) Clarify exemptions from the hospital sustainability fee; and
- (3) Appropriate \$75,000,000 out of the hospital sustainability special fund for fiscal years 2019-2020 and 2020-2021.

Your Committees received testimony in support of this measure from the Department of Human Services, The Queen's Health Systems, Healthcare Association of Hawaii, Kaiser Permanente Hawaii, Hawaii Pacific Health, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Chamber of Commerce Hawaii.

Your Committees find that the hospital sustainability program was established in 2012 to increase Medicaid payments to hospitals in recognition that Medicaid payments to hospitals were below the actual costs of care. Because of the hospital sustainability program, Medicaid payments to many hospitals in the State are closer to the actual costs of care, which helps ensure that Medicaid patients have access to the hospital care they need. This measure extends the hospital sustainability program, which will allow hospitals in the State to continue to serve underinsured and uninsured patients in a timely, effective manner, and ensure the overall sustainability of the health care system in Hawaii.

Your Committees have amended this measure by:

- (1) Clarifying the definition of "private hospital" to ensure that all Hawaii Health Systems Corporation hospitals are excluded, as these hospitals use a different system to make up for uncompensated care costs;
- (2) Increasing the allowable hospital sustainability fee rate from 3.5 percent to 4.0 percent for inpatient and outpatient care services;
- (3) Including children's hospitals in the hospital sustainability fee for outpatient care services;
- (4) Specifying that the effective date for the appropriation is July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 463, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 463, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

## SCRep. 301 Human Services on S.B. No. 467

The purpose and intent of this measure is to:

- Make an appropriation to the Department of Human Services to restore full adult dental health benefits to Medicaid enrollees;
   and
- (2) Require federal matching funds.

Your Committee received testimony in support of this measure from the University of Hawai'i System; State Council on Developmental Disabilities; Healthcare Association of Hawaii; Ho'ola Lahui Hawai'; Hawai'i State Rural Health Association; Lanai Community Health Center; Hawaii Disability Rights Center; Hilo Medical Center Foundation; Bay Clinic, Inc.; AlohaCare; Catholic Charities Hawaii'i; Hawaii Dental Hygienists' Association; Hawaii Children's Action Network; Oral Health For All Hawaii; We Are One, Inc.; The Queen's Health Systems; Hawaii' Public Health Institute; Hawaii Dental Association; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and thirteen individuals. Your Committee received comments on this measure from the Department of Human Services, Department of Health, and Hawaii'i Primary Care Association.

Your Committee finds that oral disease is a significant health problem among many Hawaii residents, affecting their overall health and well-being. Having oral health benefit for adults in the Medicaid program can save money in emergency care, address chronic

disease and the dangerous spread of disease, help people preserve their teeth into old age, and improve adults' job prospects. Further, adults with access to dental care may be more likely to recognize the value of the benefit, gain information related to improving their own and their family's oral hygiene practices, and take their children to the dentist. Your Committee therefore finds that it is in the best interest of the State and its residents to expand access to care by restoring dental benefits to adult Medicaid enrollees, which will create a clear pathway for improved oral health care for adult Medicaid enrollees and their families in the State.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 467 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

#### SCRep. 302 Human Services on S.B. No. 526

The purpose and intent of this measure is to:

- (1) Appropriate funds for the Department of Human Services to purchase, staff, and operate two mobile clinics to serve the homeless persons residing in ohana zones; and
- (2) Require matching funds.

Your Committee received testimony in support of this measure from the County of Hawaii, Mayor's Office; Hawaii Disability Rights Center; Hawai'i Psychological Association; Project Vision Hawai'i; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual. Your Committee received comments on this measure from the Governor's Coordinator on Homelessness, Department of Human Services, and Department of the Attorney General.

Your Committee finds that homeless persons face a wide range of issues, including general health issues, mental illness, and substance abuse. These issues also impact the general population through the costs of social and health care services.

Your Committee further finds that mobile clinics are increasing in popularity across the nation as governments try to find ways to address the health care needs of the homeless population. In places such as Dallas, Texas; Denver, Colorado; San Jose, California; and Seattle, Washington; mobile clinics offer a variety of free health care services for local homeless populations, resulting in significant cost savings when compared to emergency room visits.

Your Committee also finds that mobile clinics can be an effective method to reach some of the State's population with the most challenging access to care issues. This measure appropriates funds to the operation of two mobile clinics to service people in ohana zones, which will provide homeless people with access to treatment, improve the overall health of these individuals, and reduce the costs of health care.

Your Committee has amended this measure by:

- (1) Removing language that would have restricted the mobile clinics to serving only individuals in ohana zones;
- (2) Earmarking one mobile clinic to the county of Hawaii;
- (3) Removing the specified recipients that would have received an appropriation;
- (4) Requiring matching funds before funds appropriated shall be made available;
- (5) Clarifying that the acquisition of the medical clinic services be subject to the requirements of the state Procurement Code; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 526, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 526, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

## SCRep. 303 Human Services on S.B. No. 1226

The purpose and intent of this measure is to:

- (1) Expand the application of required criminal history record checks to adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services;
- (2) Clarify the role and response of the child care licensing program when it receives a report of death or injury of a child in a child care setting;
- (3) Address the release of information pending an investigation; and
- (4) Increase penalties and clarify that the Department of Human Services may take both administrative and judicial action to enforce child care licensing requirements.

Your Committee received testimony in support of this measure from the Department of Human Services and two individuals. Your Committee received comments on this measure from the Civil Beat Law Center for the Public Interest.

Your Committee finds that access to safe, affordable, and nurturing child care is critical for Hawaii's children and working parents. Your Committee further finds that existing law does not require adult relatives of a child whose family receives a child subsidy from

the Department of Human Services to complete a criminal history record check. This measure makes criminal history record checks a requirement for potential child care providers and increases the penalties for people who engage in illegal child care. This measure will prevent the injury or neglect of children, provide children with safer care, and deter people from engaging in illegal child care.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1226, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1226, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

## SCRep. 304 Human Services on S.B. No. 1230

The purpose and intent of this measure is to permit individual non-justice vocation programs within the purview of the Office of Youth Services to engage in commercial enterprises, including the sales of goods and services, for self-sustainability purposes.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Youth Services, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that Act 201, Session Laws of Hawaii 2014 (Act 201), initiated juvenile justice reforms in Hawaii to improve and enhance Hawaii's juvenile justice system. Working collaboratively cross-sector, there has been a twenty-six percent reduction in admissions to the Hawaii Youth Correctional Facility since Act 201 became law. Your Committee further finds that Act 208, Session Laws of Hawaii 2018, established the Kawailoa Youth and Family Wellness Center (Wellness Center) at the campus of the Hawaii Youth Correctional Facility, to provide much needed services for at-risk youth and young adults, including victims of commercial exploitation of children. Innovative programs have come out of the Wellness Center but currently the programs cannot engage in commercial enterprises, including the sales of goods and services. This measure allows the Office of Youth Services to create and expand career and vocation programs through the establishment of a revolving fund that would receive proceeds from sales of products and services generated by young adults participating in these programs. These programs will provide skills building, vocational training, and economic programing to better prepare young adults for entry into the workforce.

Your Committee has amended this measure by:

- Specifying criteria for the individuals able to participate in the vocational training programs offered by the Office of Youth Services;
- (2) Inserting definitions for "youth" and "commercial enterprise";
- (3) Specifying that the effective date for the appropriations in this measure is July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1230, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1230, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 305 Transportation on S.B. No. 513

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Transportation, Harbors Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Harbors Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- Upon recommendation by the Department of Transportation, clarifying certain harbor projects and administrative initiatives
  and adding additional capital improvement projects specifically requested by the Department; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 513, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 513, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

## SCRep. 306 Transportation on S.B. No. 514

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Transportation, Airports Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Airports Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Upon recommendation by the Department of Transportation, clarifying certain airport improvement projects around the State and for additional capital improvement projects specifically requested by the Department; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 514, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

## SCRep. 307 (Joint) Higher Education and Energy, Economic Development, and Tourism on S.B. No. 313

The purpose and intent of this measure is to appropriate funds for two full-time equivalent (2.00 FTE) positions for the wayfinding education program at the 'Imiloa Astronomy Center.

Your Committees received testimony in support of this measure from the University of Hawai'i System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Island Chamber of Commerce, and one individual.

Your Committees find that the University of Hawaii aspires to be the world's foremost indigenous serving university and embraces its responsibilities to the indigenous people of Hawaii and the Hawaiian language and culture. The 'Imiloa Astronomy Center of the University of Hawaii at Hilo was explicitly designed to integrate Hawaiian perspectives and modern science for local and global communities. This measure further supports the efforts of the wayfinding education program to ensure active support for participation of Native Hawaiians, as well as general population engagement at the local and global levels, in the study of the Hawaiian language, history, and culture.

As affirmed by the records of votes of the members of your Committees on Higher Education and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 313 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

## SCRep. 308 (Joint) Higher Education and Energy, Economic Development, and Tourism on S.B. No. 909

The purpose and intent of this measure is to appropriate funds to the University of Hawaii at Hilo aeronautical sciences program for positions and program and operating costs.

Your Committees received testimony in support of this measure from the University of Hawai'i System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Island Chamber of Commerce, and two individuals.

Your Committees find that the University of Hawaii at Hilo is committed to developing a Bachelor of Science in aeronautical sciences program to provide training for commercial aviation pilots and commercial pilots for unmanned aviation technology. The growth of aeronautical science studies at the university will create opportunities to develop new partnerships with private industry, educational institutions, and government agencies in flight training and aerial data and information technology. Furthermore, this measure increases access for the students of Hawaii to pursue careers in aeronautics and assists in creating a highly educated workforce for industry sectors that create jobs in the State.

Your Committees have amended this measure by making a technical, nonsubstantive amendment to conform for purposes of consistency the amounts appropriated in each fiscal year to correspond to the positions established and to be funded in each fiscal year.

As affirmed by the records of votes of the members of your Committees on Higher Education and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 909, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 909, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

## SCRep. 309 Government Operations on S.B. No. 1079

The purpose and intent of this measure is to establish a deferred maintenance task force within the Office of the Governor to create a standardized and uniform approach to address deferred maintenance projects in the State and make an appropriation for the task force.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 retained the contents of this measure and also inserted provisions that:

- (1) Rename the task force the Asset Management Task Force;
- (2) Place the task force under the Office of the Lieutenant Governor, rather than the Office of the Governor;
- (3) Amend the duties of the task force to include creating a schedule of repairs and replacement of state-owned facilities; deciding on the use of a single asset management system for consistency between departments; and deciding on a priority order for data collection of state-owned facilities in need of repair and replacement;
- (4) Require the task force to submit a preliminary report to the Legislature by October 31, 2020, and amend the date for submission of the final report to October 31, 2021; and
- (5) Change the appropriation for the task force from \$350,000 to an unspecified amount, to be expended by the Office of the Lieutenant Governor.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawai'i State Judiciary and one individual. Your Committee received comments on the proposed S.D. 1 from the Department of Accounting and General Services.

Your Committee finds that under existing law, there is no standardized procedure to determine maintenance needs across state departments. This often results in dilapidated aging infrastructure that often fails, and requires emergency response that is ultimately more expensive to fix in terms of staff time and dollars. The proposed S.D. 1 establishes an Asset Management Task Force in charge of addressing and alleviating the deferred maintenance backlog, which will ultimately result in the improved maintenance and condition of state facilities

Your Committee also finds that clarification is needed regarding the asset management system. According to the testimony received by your Committee, concerns were raised about using a single asset management system, because some departments may already be investing state resources into that department's own asset management system. It may therefore be more efficient for the task force to focus on developing common standards, assumptions, and plan presentations.

Your Committee notes the additional testimony from the Judiciary suggesting certain other relevant changes to the composition and duties of the task force. Your Committee agrees with these recommendations and concludes that amendments to this measure are necessary.

Your Committee has amended this measure by adopting the proposed S.D. 1 and by making further amendments that:

- (1) Amend the duties of the task force to include developing common standards, assumptions, and plan presentations; considering whether a class of bond funds should be issued with a term shorter than twenty years; and evaluating and encouraging the use of computerized management systems;
- (2) Amend membership on the task force to include the Administrator of the Courts;
- (3) Clarify that the date of dissolution of the task force shall be January 14, 2022;
- (4) Insert an appropriation of \$250,000 for fiscal year 2019-2020; and
- (5) Make technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1079, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 310 (Joint) Government Operations and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1038

The purpose and intent of this measure is to require the State Commission on the Status of Women to establish a statewide training program for criminal justice personnel on the state human trafficking laws.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the City and County of Honolulu, Domestic Violence Action Center, Hoʻōla Nā Pua, Pacific Survivor Center, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Susannah Wesley Community Center, Hawaii Women's Coalition, The Sex Abuse Treatment Center, IMUAlliance, Aloha State Association of the Deaf, and five individuals. Your Committees received testimony in opposition to this measure from Harm Reduction Hawaii, Sex Workers Outreach Project Hawaii, and three individuals. Your Committees received comments on this measure from the Community Alliance on Prisons and one individual.

Your Committees find that statewide training is necessary for criminal justice personnel to appropriately respond to human trafficking, as they play a pivotal role in the identification of victims and gathering of evidence to build cases for successful

prosecution. Training would teach criminal justice personnel to identify and understand the risk, danger, trauma, and cycles of violence associated with the nuanced complexities of human trafficking. Hawaii is one of only twelve states that have yet to enact laws to require certain public agencies or private businesses to receive human trafficking training. This measure allows the State Commission on the Status of Women to coordinate statewide training, which will bring together various agencies and ensure expeditious coordination in identifying, investigating, and adjudicating human trafficking cases.

Your Committees respectfully request that the State Commission on the Status of Women provide definitions for human trafficking and sex trafficking by referring to the federal definitions as a baseline. Your Committees request the State Commission on the Status of Women bring forward these definitions for consideration as this measure moves through the legislative process. When developing the training, your Committees request the State Commission on the Status of Women to work in collaboration with all advocates including Harm Reduction Hawaii, to ensure any training developed or considered does not conflate prostitution with human trafficking.

As affirmed by the records of votes of the members of your Committees on Government Operations and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1038 and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 311 (Joint) Housing and Water and Land and Government Operations on S.B. No. 1

The purpose and intent of this measure is to establish the ALOHA homes program under the Hawaii Housing Finance and Development Corporation (HHFDC) to facilitate the development of low-cost homes for sale to Hawaii residents on state-owned and county-owned land near rail stations and to establish all the necessary guidelines and provisions relating to the ALOHA homes program.

Your Committees received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaiian Community Assets, Ulupono Initiative, and eight individuals.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Deleting high density from the definition of "ALOHA homes";
- (2) Defining the acronym ALOHA;
- (3) Inserting additional principles generally governing HHFDC's action in the urban redevelopment district and changing references from "residential development" to "development" throughout the principles;
- (4) Requiring that any development be designed to minimize parking;
- (5) Authorizing HHFDC to transfer ALOHA homes units to the Office of Hawaiian Affairs and Department of Hawaiian Home Lands for use by their respective beneficiaries;
- (6) Allowing rules adopted by HHFDC to authorize the use of retina scanning to verify the presence of owner-occupants and prevent access of all unauthorized persons as a potential owner-occupancy enforcement mechanism;
- (7) Amending the priorities for waitlists to be established by HHFDC for residential development for eligible buyers;
- (8) Requiring HHFDC to publish a notice of a public hearing to consider conveyance of real property from a county to HHFDC at least six days, instead of ten days, before the date set for the hearing in the publication;
- (9) Clarifying penalties for violating statutes or rules regarding ALOHA homes;
- (10) Authorizing HHFDC to sell leasehold units in condominiums on state land for a term of ninety-nine years;
- (11) Exempting amounts received from the sale of leasehold interest in ALOHA homes units from the general excise tax;
- (12) Exempting the ALOHA homes revolving fund from the central services deduction and special fund administrative expenses payment under sections 36-27 and 36-30, Hawaii Revised Statutes; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees received testimony in support of the proposed S.D. 1 from the Hawaii Housing Finance and Development Corporation; Maui County Department of Housing and Human Concerns; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Building Industry Association of Hawaii; and three individuals. Your Committees received testimony in opposition to the proposed S.D. 1 from the Office of Hawaiian Affairs. Your Committees received comments on the proposed S.D. 1 from the Department of Budget and Finance, Department of Land and Natural Resources, Department of the Attorney General, Office of Planning, University of Hawaii'i System, and City and County of Honolulu Department of Planning and Permitting.

Your Committees find that Hawaii has a severe lack of affordable housing, resulting in residents leaving Hawaii in hopes of better living conditions. Although Hawaii has the tenth highest median wage nationally, living expenses are two-thirds higher than the rest of the nation, with the cost of housing being a major contributing factor. Your Committees further find that there are significant barriers to the development of affordable housing in Hawaii, such as geographic limitations, lack of major infrastructure, and government regulation. Your Committees additionally find that the State has been putting more emphasis on creating more affordable housing. Despite these efforts, the amount of new and affordable housing, especially for low- to middle-income families, continues to be inadequate, and the supply of housing remains constrained while demand increases.

Your Committees find that Singapore, a country with even less land than Oahu, faced a housing crisis in the 1940s through 1960s, but was able to provide nearly one million residential units for its citizens. Through government loans, subsidies, and grants, Singapore was able to provide a surplus of affordable housing. Your Committees believe that Singapore could be a model for Hawaii in abating the housing crisis in Hawaii.

Your Committees heard the testimony of the Attorney General expressing concerns regarding the transfer of ALOHA home units to the Department of Hawaiian Home Lands, the possibility of having to amend the Hawaiian Homes Commission Act, 1920, as amended, to allow the Department of Hawaiian Home Lands to lease out non-Hawaiian homelands, and ALOHA homes units receiving the status of Hawaiian homelands, which will then require the Department of Hawaiian Home Lands to govern those units. Your Committees acknowledge those concerns and will continue to work with the appropriate agencies to address them.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Inserting definitions for "high density" and "small and medium vendor";
- (2) Clarifying that a mailed notice of an application for a development project valued at \$250,000 or more shall include notice of any requests by the applicant for exemptions from statutes, ordinances, charter provisions, and rules;
- (3) Clarifying that the urban redevelopment district includes state- and county-owned land in counties with a population greater than 500,000;
- (4) Prohibiting ALOHA homes units from being advertised for rent;
- (5) Clarifying that voting in the most recent primary or general election is just one indication of residency in the State;
- (6) Specifying that ownership of any residential and non-residential property, beneficial ownership of trusts, and co-ownership or fractional ownership by a person or the person's spouse shall make the person ineligible as a buyer or owner of an ALOHA home under HHFDC's rules;
- (7) Deleting the requirement for the \$300,000 cap on the price of an ALOHA home to apply to a three-bedroom unit;
- (8) Exempting any ALOHA homes unit developed or sold from restrictions on the transfer, use, sale, repurchase, or renting of real property developed and sold by HHFDC;
- (9) Deleting duplicative language regarding jurisdiction and the filing of legal actions or proceedings regarding the validity of the ALOHA homes program;
- (10) Requiring that state lands no longer needed for affordable residential leasehold units be returned to the previous owner of the lands;
- (11) Requiring that lands to which HHFDC holds title and lands set aside by the Governor or leased to HHFDC are considered "public lands" only for the purpose of accounting for all receipts from ceded lands and allowing payment for those receipts to be made in a form of remuneration or consideration other than cash;
- (12) Amending the preamble; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees emphasize that the intent of this measure is to ensure community involvement at all levels of every project in the establishment and development of the ALOHA homes program. Your Committees believe that given the importance and significant impact this measure will have on the community, the ALOHA homes program will strive for inclusion and input from key community stakeholders, including experts on Native Hawaiian, environmental, and cultural issues.

Your Committees note the concern individuals may have regarding the procurement rules of the ALOHA homes program. Your Committees encourage further discussion with appropriate agencies and stakeholders in establishing a transparent procurement process for the ALOHA homes program. Your Committees further note that procurement language found in the establishment of the Hawaii Airports Corporation measure (SB666, Regular Session of 2019) can act as a potential model for the ALOHA homes program in establishing its procurement rules.

As affirmed by the records of votes of the members of your Committees on Housing, Water and Land, and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5. Noes, none. Excused, none. Water and Land: Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran). Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Inouye).

## SCRep. 312 (Joint) Housing and Labor, Culture and the Arts on S.B. No. 1050

The purpose and intent of this measure is to:

- (1) Establish a task force in the Hawaii Housing Finance and Development Corporation on the feasibility of the State establishing and operating a housing loan program for state employees similar to the United States Department of Veterans Affairs VA home loan program; and
- (2) Appropriate funds for the study.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, ALF-CIO. Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committees find that there is a severe lack of affordable housing targeted for lower- and moderate-income residents, who bear the biggest brunt of the State's housing shortage due to the high cost of living and housing. Your Committees further find that there are numerous vacancies at state agencies, in large part due to the high cost of living and the State's inability to compete with the private sector. Your Committees find that there is a way to address these two dissimilar problems by adopting a loan program similar to the United States Department of Veterans Affairs VA home loan program, which provides loans or guarantees to cover the cost of a downpayment to eligible veterans. This measure would take the first step toward addressing the lack of affordable housing and the difficulty of the State attracting employees by establishing a task force to examine and report on the feasibility of creating a similar program to the VA home loan program.

Your Committees have amended this measure by:

- (1) Including a representative from the Hawaii Government Employees Association on the task force; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1050, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1050, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 4. Noes, none. Excused, 1 (Thielen). Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 313 Housing on S.B. No. 9

The purpose and intent of this measure is to appropriate funds to the Hawaii Public Housing Authority to reimburse landlords who participate in the section 8 housing choice voucher program for repair costs of tenant-caused property damage when the repairs exceed the tenant's security deposit.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the section 8 program is one of the federal government's major programs for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing. Currently, the program brings in approximately \$32,680,000 a year on the island of Oahu, which supports over 2,337 families and over 6,400 individuals. Your Committee further finds that there is a negative perception of section 8 housing tenants amongst many landlords, making the section 8 housing voucher program a less attractive option. This measure would incentivize landlords to participate in the section 8 housing program by ensuring greater financial protection, thereby making more housing available for those who need it most.

Your Committee has amended this measure by:

- (1) Inserting language to require the Hawaii Public Housing Authority to adopt rules, without regard to chapter 91, Hawaii Revised Statutes, to effectuate its purpose;
- (2) Authorizing the appropriation to also be used to establish one full-time equivalent (1.0 FTE) position to assist and administer the reimbursement program;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation amount is blank, the Hawaii Public Housing Authority requested through oral testimony an appropriation amount of \$1,000,000 to administer the reimbursement program.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 9, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 9, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 314 Housing on S.B. No. 878

The purpose and intent of this measure is to establish the home ownership housing revolving fund to provide loans or grants for affordable housing projects or units in projects that are allocated low-income housing credits or that are funded by certain federal programs or agencies.

Your Committee received testimony in support of this measure from the Hawaii Habitat for Humanity Association, Habitat for Humanity Hawai'i Island, Habitat for Humanity Maui, Hawaiian Community Assets, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Budget and Finance and Hawaii Housing Finance and Development Corporation.

Your Committee finds that Hawaii has one of the lowest home ownership rates in the nation. The lack of construction and development of affordable for-sale housing contributes to the State's low affordable housing inventory. Your Committee further finds

that loans provided by the State will assist in addressing Hawaii's current critical shortage of affordable housing and the need for 66,000 additional housing units by the year 2025.

Your Committee additionally finds that qualified nonprofit housing trusts can help families by reducing housing costs significantly for income-qualified families. These nonprofit housing entities often utilize grants and other low-cost courses of financing that require matching funds to acquire or develop housing units. Your Committee notes that Senate Bill No. 1186, Regular Session of 2019, establishes a qualified nonprofit housing trust revolving fund to provide loans to qualified nonprofit housing trusts to develop affordable housing projects under a self-help housing model.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of part II of Senate Bill No. 1186, Regular Session of 2019, which:
  - (A) Establishes a qualified nonprofit housing trust revolving fund and a qualified nonprofit housing trust program for affordable for-sale housing development; and
  - (B) Appropriates funds into and out of the qualified nonprofit housing trust revolving fund;
- (2) Authorizing the Hawaii Housing Finance and Development Corporation to provide loans to nonprofit community development financial institutions, as well as qualified nonprofit housing trusts;
- (3) Inserting a new preamble as suggested by the Hawaii Habitat for Humanity Association;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation amount is blank, the Hawaii Habitat for Humanity Association requests an appropriation of \$25,000,000 for the qualified nonprofit housing trust program.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 878, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 878, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 315 Housing on S.B. No. 867

The purpose and intent of this measure is to:

- (1) Remove certain limits on costs eligible for a general excise tax exemption for newly constructed or renovated affordable rental housing projects; and
- (2) Make permanent provisions relating to the types of rental housing projects that are exempt from the general excise tax and prevailing wages for the construction of certain rental housing projects.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Taxation and Hawaii Housing Finance and Development Corporation.

Your Committee finds that additional incentives are needed to increase rental housing development to meet housing demand, particularly for affordable housing units. Under existing law, the Hawaii Housing Finance and Development Corporation is authorized to certify general excise tax exemptions for affordable rental housing projects that meet certain criteria. This measure proposes the repeal of some of those criteria, thereby allowing more projects to be certified for the tax exemption and inducing the development of more affordable housing in Hawaii.

Your Committee has heard the testimony of the Hawaii Housing Finance and Development Corporation in regard to the lack of participation in this general excise tax exemption. Your Committee believes that this exemption is advantageous for developers and requests further information as to why this exemption has had no applicants since its inception pursuant to Act 54, Session Laws of Hawaii 2017.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 867, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 867, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 316 Housing on S.B. No. 351

The purpose and intent of this measure is to prohibit the advertising of the rental of a public housing unit under the Hawaii Public Housing Authority or housing subject to an owner or renter occupancy requirement, under the Hawaii Housing Finance and Development Corporation or Hawaii Community Development Authority.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committee received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation. Your Committee received comments on this measure from the Hawaii Community Development Authority.

Your Committee finds that there are cases of individuals renting or subletting units that are public housing or housing that is under a rental agreement or a renter occupancy requirement. This practice allows individuals to financially gain from rental income derived from these units and also removes available housing stock from those who most need it, particularly one of the over 8,800 families who are on a waitlist for public housing. This measure promotes fairness in housing opportunities by deterring those who are inclined to violate the occupancy limitations of these housing units.

Your Committee has amended this measure by:

- (1) Clarifying that a private project owner and its managing agents are not prohibited from advertising or publicizing a housing program under the Hawaii Housing Finance and Development Corporation;
- (2) Clarifying that a managing contractor or agent of the Hawaii Community Development Authority is not prohibited from advertising or publicizing a housing program under the Hawaii Community Development Authority;
- (3) As suggested by the Hawaii Public Housing Authority:
  - (A) Prohibiting the subletting of a public housing unit;
  - (B) Clarifying that the prohibition applies to federal and state public housing projects; and
  - (C) Clarifying that an authorized private management company is not prohibited from advertising, publicizing, or renting a public housing unit; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 351, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 351, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 317 Judiciary on S.B. No. 640

The purpose and intent of this measure is to increase the following under the partial public funding program, for candidates seeking office in an election with no incumbent:

- (1) The expenditure limit to one hundred forty percent of the median expenditures received by non-publicly financed candidates in the respective voting district in the last preceding general election;
- (2) The maximum amount of public funds available to a participating candidate;
- (3) The maximum amount of qualifying contributions; and
- (4) The matching contribution amount from the State for qualifying contributions.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i and League of Women Voters. Your Committee received comments on this measure from the Campaign Spending Commission.

Your Committee finds that public campaign funding in elections facilitates competitive elections and allows for first-time candidates to become a part of the political discussion. Your Committee further finds that inflation of campaigning costs in addition to economic inflation makes it harder for publicly funded candidates to successfully compete in elections. Your Committee additionally finds that this measure addresses that issue by increasing the amounts that publicly funded candidates can receive and expend.

Your Committee has amended this measure by:

- (1) Defining "incumbent" as "a person who holds an elected office that represents any part of a district at any level except membership on a neighborhood board";
- (2) Doubling the expenditure limit in election races in which there is no incumbent; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 640, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 640, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Kim). Noes, none. Excused, none.

# SCRep. 318 Housing on S.B. No. 100

The purpose and intent of this measure is to:

- (1) Eliminate the home mortgage interest deduction for second homes under Hawaii income tax law; and
- (2) Require the Department of Taxation to annually calculate the amount of state revenue gained by eliminating the deduction and transfer an equivalent amount of income tax revenue to the rental housing revolving fund.

Your Committee received testimony in support of this measure from the League of Women Voters. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Department of Taxation, Hawaii Housing Finance and Development Corporation, and Tax Foundation of Hawaii.

Your Committee finds that Hawaii has one of the lowest homeownership rates in the United States. This issue is further exacerbated by the high cost of living in Hawaii, and specifically the high cost of housing in Hawaii. Your Committee further finds that the home mortgage income tax deduction was established to encourage homeownership for Hawaii residents. However, under existing law, individuals are able to purchase a second home for the same tax deduction, taking away potential housing for those hoping to purchase their first home. Your Committee finds that more incentives should be put toward helping residents purchase their first home, rather than encouraging ownership of a second home. This measure would result in increased tax revenue for the State and direct that additional revenue to the rental housing revolving fund, which will be used to assist those most in need of a primary housing residence.

Your Committee has amended this measure by:

- (1) Deleting the provision requiring the Department of Taxation to annually calculate the amount of tax revenue gained due to the elimination of the home mortgage interest deduction for second homes and instead only requiring the revenue gained to be deposited into the rental housing revolving fund; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 100, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 100, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Thielen).

#### SCRep. 319 Housing on S.B. No. 1120

The purpose and intent of this measure is to:

- (1) Increase the conveyance tax rate for properties with a value of at least \$2,000,000;
- (2) Amend the calculation for the amount of conveyance taxes to be deposited into the rental housing revolving fund;
- (3) Exempt from the conveyance tax documents or instruments conveying real property subject to a government assistance program and used for the provision of affordable housing for qualified persons in the State.

Your Committee received testimony in support of this measure from the League of Women Voters, Church of the Crossroads, Faith Action for Community Equity, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii, NAIOP Commercial Real Estate Development Association Hawaii Chapter, and Hawaii Association of REALTORS. Your Committee received comments on this measure from the Department of Taxation, Hawaii Housing Finance and Development Corporation, and Tax Foundation of Hawaii.

Your Committee finds that existing law dedicates the lesser of a certain percentage or monetary amount of the conveyance taxes collected for deposit into the rental housing revolving fund. Monies in the rental housing revolving fund are used to provide loans or grants for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of rental housing units. This measure is intended to increase conveyance tax revenue derived from high-value properties, and facilitate the availability of additional monies for affordable rental housing finance and development in the State.

Your Committee has amended this measure by:

- (1) Removing the conveyance tax increases for the transfer or conveyance of property that is not a condominium or single family residence for which the purchaser is ineligible for a county homeowner's exemption;
- (2) Clarifying that any document or instrument conveying real property is exempt from the conveyance tax if the real property being conveyed is for the development or acquisition of affordable housing for qualified persons and subject to a government assistance program approved and certified by the Hawaii Housing Finance and Development Corporation;
- (3) Defining "affordable housing" and "qualified person"; and
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee notes that the Department of Taxation requested in testimony, an effective date of January 1, 2020.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1120, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1120, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Thielen).

## SCRep. 320 Housing on S.B. No. 636

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds into and out of the rental housing revolving fund.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Catholic Charities Hawai'i, Faith Action for Community Equity, Partners In Care, Hawaii Kai Homeless Task Force, and six individuals.

Your Committee finds that the State is in a housing crisis, primarily affecting households making eighty percent or less of the area median income. This crisis is coupled with the high population of chronically homeless individuals in the State. Your Committee further finds that there is a need for more home ownership, not just rentals, at reasonable prices for Hawaii residents. The State would require roughly 44,000 new housing units in order to solve the shortage. Your Committee believes that more funding is required to address the severe lack of affordable housing and to get the homeless off the streets and into permanent housing.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a blank general obligation bond authorization amount and blank amount to be appropriated into and out of the rental housing revolving fund;
- (2) Requiring that a specific amount of funds appropriated out of the rental housing revolving fund be expended to create permanent supportive housing for chronically homeless individuals;
- (3) Authorizing the issuance of general obligation bonds and appropriating funds into and out of the dwelling unit revolving fund and, contingent upon the enactment of S.B. No. 878 in any form, the home ownership housing revolving fund; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee recommends that your Committee on Ways and Means consider a general obligation issuance amount of \$400,000,000 to be divided among the rental housing revolving fund, dwelling unit revolving fund, and home ownership housing revolving fund. Your Committee notes that Catholic Charities Hawai'i requests \$75,000,000 to be allocated to the creation of permanent supportive housing units for chronically homeless individuals.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 636, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 636, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Thielen).

## SCRep. 321 Housing on S.B. No. 1310

The purpose and intent of this measure is to:

- (1) Establish the individual housing accounts savings program and the individual housing accounts savings program administrative fund;
- (2) Require the Board of Directors of the individual accounts savings program to submit an annual report to the Governor and Legislature; and
- (3) Make an appropriation for the program.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual. Your Committee received comments on this measure from the Department of Budget and Finance

Your Committee finds that the high cost of housing in Hawaii prevents residents from being able to become homeowners. Your Committee further finds that individual housing accounts are savings vehicles that assist individuals to purchase their first principal residence. While distributions are taxed, contributions to individual housing accounts are tax deductible, helping the taxpayer to save up to purchase a first principal residence. This measure allows for better management of individual housing accounts and help many residents of the State to become first-time homeowners.

Your Committee notes the success of the Oregon Retirement Savings Act and the Central Provident Fund of Singapore in helping their respective residents save for retirement and purchase their first residence.

Your Committee has amended this measure by:

- (1) Allowing a taxpayer to open an individual housing account for a dependent upon providing a birth certificate and social security number of the dependent to the Director of Taxation and requiring the Director of Taxation to prepare any forms necessary to establish an individual housing account in the name of the dependent;
- Authorizing the use of an individual housing account to provide assistance during economic hardships, for capital improvements for homeownership, cemetery and mortuary services, and senior housing;
- (3) Requiring a taxpayer to pay a penalty of 10 percent of any amounts distributed less than 365 days from the date on which the amounts were made as a contribution to the individual housing account;
- (4) Allowing the use of an individual housing account to provide funding for the first month's rent or a rental deposit on a dwelling place that is the principal residence, and to provide funding for downpayment assistance or closing costs on a principal residence;
- (5) Authorizing community development financial institutions to serve as trustees of an individual housing account; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1310, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1310, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Thielen).

### SCRep. 322 Agriculture and Environment on S.B. No. 11

The purpose and intent of this measure is to prohibit the sale of polystyrene foam containers and serving of prepared food using polystyrene foam containers statewide.

Your Committee received testimony in support of this measure from the Department of Education; Office of Hawaiian Affairs; one member of the Hawaii County Council; Department of Environmental Services of the City and County of Honolulu; County of Maui Department of Environmental Management; Ocean Tourism Coalition; Surfrider Foundation Oʻahu; Keiko Conservation; League of Women Voters of Hawaii; Sierra Club of Hawaii; Zero Waste Oʻahu; Hawaii Reef and Ocean Coalition; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Beach Environmental Awareness Campaign Hawaii; Fisherwood, LLC; Dolphin Quest; Kaiser High School Wipeout Crew; Animal Rights Hawaii; and over sixty individuals. Your Committee received Inn, Hibachi Kailua, and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and Department of Health.

Your Committee finds that many food service businesses in Hawaii use polystyrene foam containers for food that is taken out by customers. Polystyrene foam is made from thermoplastic petrochemical materials containing styrene and may leach styrene into food that comes into contact with the containers, posing potential health hazards for people eating food carried in these containers. Your Committee also finds that polystyrene foam containers do not biodegrade and, because of their expanded size, take up significant space in landfills. Your Committee finds that this measure is another way to create state policy to lessen the negative impacts of plastics on the environment

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 11 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

## SCRep. 323 (Joint) Hawaiian Affairs and Labor, Culture and the Arts on S.B. No. 727

The purpose and intent of this measure is to:

- (1) Apply civil service and public employee collective bargaining systems to Office of Hawaiian Affairs employees;
- (2) Limit members of the Board of Trustees of the Office of Hawaiian Affairs (Board of Trustees) to a maximum of three terms or twelve years, whichever is lesser, in office;
- (3) Align the partial public funding expenditure limit and maximum amount of public funds available for candidates running for the Board of Trustees with the maximum limit and amount imposed on candidates running for the office of lieutenant governor; and
- (4) Require the display of candidates for the Board of Trustees on the ballot by residency and non-residency requirements and to randomize the order of candidate names within those groupings and among precincts.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association; Ho'omana Pono, LLC; and one individual. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs. Your Committees received comments on this measure from the Campaign Spending Commission, Office of Elections, and one individual.

Your Committees find that ballot order has been shown to affect election outcomes and the first name on the ballot generally has an advantage over names listed further down the ballot. Your Committees find that under existing law, candidate names are placed on the ballot in alphabetical order, which results in candidates' ballot positions remaining relatively unchanged from election to election. Randomizing the names of candidates for the Board of Trustees will distribute more randomly any advantage that may arise from the order of candidates' names on the ballot.

Your Committees further find that candidates running for the Board of Trustees who voluntarily agree to participate in the partial public funding program run statewide campaigns but are provided substantially less partial public funding than other statewide candidates. This measure seeks to increase the partial public funding expenditure limit and maximum amount of public funds available for candidates for these Board of Trustees candidates. However, your Committees received testimony indicating that this measure, if enacted, would increase the expenditure limit for Board of Trustees candidates by seven hundred percent. Rather than proceed with such a significant increase, your Committees find that a more reasonable approach to addressing the funding imbalance for Board of Trustees candidates is to increase only the \$1,500 cap on the maximum amount of public funds available to Board of Trustees candidates, leaving the partial public funding expenditure limit unamended.

Your Committees additionally find that employees of the Office of Hawaiian Affairs provide invaluable services to Native Hawaiians across the State and their service is critical to the continued success of the Office of Hawaiian Affairs. Despite the value of their work, Office of Hawaiian Affairs employees are barred from engaging in collective bargaining as a means to improve their wages and standard of living. Your Committees find that providing the option of collective bargaining unit (15) for employees of the Office of Hawaiian Affairs provides them the option of establishing a collective bargaining unit if they vote to do so, while maintaining the autonomy of the Office of Hawaiian Affairs.

Your Committees have amended this measure by:

- (1) Removing term limits for members of the Board of Trustees;
- (2) Removing language to align the partial public funding expenditure limit for candidates for the Board of Trustees with the limit imposed on candidates running for the office of lieutenant governor;
- (3) Increasing the maximum amount of public funds available in each election to each Board of Trustees candidate from ten percent to fifteen percent of the expenditure limit established in section 11-423(d), Hawaii Revised Statutes, which the Campaign Spending Commission has indicated in testimony will increase the maximum amount from \$1,500 to \$21,383 per candidate, per election;
- (4) Increasing the amount a candidate for the Board of Trustees must raise to qualify for public funds from \$1,500 to \$5,000;
- (5) Creating a new bargaining unit for use by employees of the Office of Hawaiian Affairs in the event the employees vote to establish a collective bargaining unit;
- (6) Authorizing the Office of Hawaiian Affairs to have one vote on behalf of the public employer for purposes of negotiating a collective bargaining agreement; and
- (7) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 727, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 727, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Chang, Gabbard).

#### SCRep. 324 Transportation on S.B. No. 98

The purpose and intent of this measure is to clarify the requirement that a driver of a motor vehicle has to yield to or stop for a pedestrian by specifying when a pedestrian is considered to be within an intersection or adjacent crosswalk, or crossing the road within a crosswalk

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, and three individuals.

Your Committee finds that there is confusion as to when a vehicle must yield the right-of-way to a pedestrian who plans to cross or is crossing a roadway, particularly with regard to when a pedestrian is considered to be within an intersection or adjacent crosswalk. This confusion has resulted in numerous accidents involving a motor vehicle and pedestrians trying to cross the street. Your Committee further finds that in 2018, 43 pedestrians were killed, which is 28 more pedestrians than in 2017. Your Committee finds that these numbers are too high and more effort needs to be done to ensure the safety of all pedestrians and drivers in the State.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 98 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 325 (Joint) Technology and Energy, Economic Development, and Tourism on S.B. No. 553

The purpose and intent of this measure is to establish the broadband service infrastructure grant program to award grants to applicants to extend deployment of infrastructure used to provide broadband service to unserved and underserved areas of the State.

Your Committees received testimony in support of this measure from Hawaiian Electric Company, Inc., and Charter Communications. Your Committees received comments on this measure from the Cable Television Division of the Department of Commerce and Consumer Affairs and Hawaiian Telcom.

Your Committees support efforts to improve access to broadband services for residents, consumers, and businesses across the State. Although broadband coverage in the State is widespread, additional investment can be made to keep up with needs in rural communities to bridge the digital divide. The broadband service infrastructure grant program proposed by this measure would facilitate deployment of infrastructure necessary to bring broadband service to unserved and underserved areas of the State.

Your Committees have amended this measure by:

- Amending the definition of "broadband service" to be the same as the definition for "broadband access or broadband service" under section 440J-1, Hawaii Revised Statutes;
- (2) Replacing the term and definition of "broadband service infrastructure" with the term "broadband infrastructure", to have the same meaning as under section 440J-1, Hawaii Revised Statutes;
- (3) Deleting language that would have prohibited an applicant from using grant funds to upgrade existing broadband infrastructure;
- (4) Deleting language that would have made any applicant who receives funds under another federal or state grant or loan program ineligible for the grant program;
- (5) Requiring an applicant to commit to paying a minimum of fifty percent, rather than twenty percent, of the project costs;

- (6) Including any non-governmental entity with demonstrated experience in providing broadband infrastructure as an eligible applicant;
- Authorizing a non-governmental broadband infrastructure provider to be an eligible applicant or to partner with another eligible applicant;
- (8) Deleting the length of time the applicant has been providing broadband service in the State from the scoring criteria for awarding funding under the grant program;
- (9) Deleting language that would have required the Department of Business, Economic Development, and Tourism (Department) to not include consideration of new or additional regulatory obligations;
- (10) Deleting language that would have required the Department to adopt rules that do not include certain financial commitments to secure performance;
- (11) Making it effective on January 1, 2020, to allow time for implementation; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 553, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 553, S.D. 1, and be referred to your Committees on Ways and Means and Commerce, Consumer Protection, and Health.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

## SCRep. 326 (Joint) Technology and Energy, Economic Development, and Tourism on S.B. No. 1366

The purpose and intent of this measure is to appropriate funds for the Hawaii Technology Development Corporation to support the continuation of business accelerator programs.

Your Committees received testimony in support of this measure from the Hawaii Technology Development Corporation, Hawaii Farm Bureau, Maui Chamber of Commerce, Sultan Ventures, GVS Accelerator, Hawaii Venture Capital Association, Mana Up, Elemental Excelerator, XLR8UH, and three individuals.

Your Committees find that business accelerators have been successful in increasing the number of innovative companies in Hawaii. The accelerator programs vet, mentor, and provide seed capital to some of Hawaii's most promising innovative startup businesses. Your Committees find that the continuation of accelerator programs is important to support business innovation in the State.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1366 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

## SCRep. 327 (Joint) Technology and Energy, Economic Development, and Tourism on S.B. No. 1444

The purpose and intent of this measure is to:

- (1) Require the Hawaii Technology Development Corporation to adopt rules to require awardees of Hawaii Small Business Innovation Research (HSBIR) program grants who relocate their principal place of business outside the State within five years of receiving the award to reimburse funds awarded; and
- (2) Appropriate funds for the continuance of the HSBIR program operated by the Hawaii Technology Development Corporation.

Your Committees received testimony in support of this measure from the Hawaii Technology Development Corporation; Neurobehavioral Research, Inc.; Akabotics LLC; Hawaii Farm Bureau; Makai Ocean Engineering, Inc.; Hawaii Biotech, Inc.; Experiad Solutions; Maui Chamber of Commerce; Marine Genetics; and one individual.

Your Committees find that the Hawaii Technology Development Corporation has a vision to create 80,000 new innovation jobs in Hawaii earning \$80,000 or more by 2030. Aiding in that goal is the HSBIR program, which provides matching grants to help companies further the development of new products to solve critical issues. Applicants must have received federal Small Business Innovation Research Program grants or contracts to qualify for the matching HSBIR program, which provides up to a fifty per cent match in funds. Initially, the HSBIR program only funded companies that received Phase I grants, but in 2016, the program was expanded to help companies who are moving their advanced technology products from research into the market. Your Committees further find that HSBIR's Phase II and Phase III awardees should be supported so that their technologies can contribute to Hawaii's economy, but the State should ensure that Hawaii benefits from its investment in these companies by requiring grant funds to be returned if the recipient moves its principal place of business outside the State within five years.

Your Committees have amended this measure by:

- (1) Inserting a blank appropriation amount; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1444, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1444, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

#### SCRep. 328 Judiciary on S.B. No. 194

The purpose and intent of this measure is to require the randomization of names of candidates listed on individual ballots and on ballots across precincts, thereby making the advantage of being the first candidate listed on the ballot a random event.

Your Committee received testimony in support of this measure from Ho'omanapono Political Action Committee. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that numerous studies have shown that the election candidate who is listed first on a ballot has an advantage. See, Daniel E. Ho & Kosuke Imai, Estimating Causal Effects of Ballot Order From a Randomized Natural Experiment, The California Alphabet Lottery, 1978 – 2002, 72 Pub. Op. Q. 216 (Summer 2008), Laura Miller, Note, Election by Lottery: Ballot Order, Equal Protection, and the Irrational Voter, 13 N.Y.U. J. Legis. & Pub. Pol'y 373 (2010). Your Committee further finds that currently, candidates are listed on the ballot in alphabetical order starting with the letter "A". This measure would create a process to make the apparent advantage of being the first candidate listed on a ballot a random event.

Your Committee has amended this measure by:

- Requiring that any new contract entered into by the Office of Elections for equipment or services relating to preparing ballots
  or counting votes include the capability to randomize the names of candidates appearing on the ballot if technologically
  possible;
- (2) Requiring the Office of Elections to inform voters and candidates, by a method suited for the voting system, that the names of candidates may not be in alphabetical order; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 194, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 194, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 329 Judiciary on S.B. No. 821

The purpose and intent of this measure is to require equitable provision of baby diaper-changing accommodations in certain public establishments and facilities.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Youth Services Network, Domestic Violence Action Center, Planned Parenthood Votes Northwest and Hawaii, Healthy Mothers Healthy Babies Coalition of Hawaii, Midwives Alliance of Hawaii, Save Medicaid Hawaii, Hawaii Women's Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii'i Chapter of the National Association of Social Workers, and seven individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that full equality under the law for men and women is provided for in article I, section 3, of the Constitution of the State of Hawai'i. Your Committee further finds that equality under the law does not always guarantee equity in daily life. Your Committee additionally finds that while diaper-changing accommodations in women's restrooms are relatively common, diaper-changing accommodations in men's restrooms are significantly less so. Your Committee also finds that this disparity contributes to the calcification of gender roles and limits the full participation of women and men in civil society and family life. Your Committee further finds that the federal BABIES Act, public law 114-235, requires restrooms in new or newly renovated federally controlled buildings to be equipped with baby changing facilities. In addition, at the beginning of 2019, New York enacted a law that requires any new or renovated buildings that contain places of public accommodations include diaper changing tables that are accessible to persons regardless of their gender. This measure will establish similar requirements in Hawaii.

Your Committee has amended this measure by:

- (1) Requiring existing establishments for public use that have not been substantially modified to provide baby diaper-changing accommodations by July 1, 2022; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 821, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 821, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 330 Judiciary on S.B. No. 635

The purpose and intent of this measure is to propose an amendment to article IX, section 5, of the Constitution of the State of Hawaii, to require the State to assure that each resident of the State has access to housing, subject to standards and criteria to be provided by the Legislature.

Your Committee received testimony in support of this measure from Hawaiian Community Assets, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the price of housing and the lack of affordable housing have been persistent and ongoing problems in Hawaii. Your Committee further finds that there are many ways in which the State can contribute to the development of affordable and accessible housing. However, your Committee notes that establishing a constitutional right to the assurance of access to housing could have significant unintended consequences.

Accordingly, your Committee has amended this measure by:

- (1) Reviving the purpose section to reflect the recent challenges faced by the State in providing affordable housing to Hawaii residents;
- (2) Removing constitutional language establishing a right to assurance of access to housing for each resident of the State;
- (3) Adding constitutional language requiring the Legislature to consider the effect of its actions on the price of housing in the State; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 635, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 635, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 331 Labor, Culture and the Arts on S.B. No. 1143

The purpose and intent of this measure is to:

- Expand the types of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives; and
- (2) Require that information regarding new hire employees under the collective bargaining disclosure requirements of section 89-16.6, Hawaii Revised Statutes, be provided to the appropriate exclusive representatives within one payroll period.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly; Hawaii Government Employees Association; and United Public Workers, AFSCME, Local 646, AFL-CIO. Your Committee received comments on this measure from the Department of Education and City and County of Honolulu Department of Human Resources.

Your Committee finds that exclusive representatives must represent every public employee in a bargaining unit regardless of the employee's membership status. Your Committee further finds that in order to provide timely and responsive service, it is appropriate for exclusive representatives to have pertinent employment information, the ability to physically locate and access employees, and timely transmittals about new employees that they represent. However, under existing law, types of employee information government agencies are required to disclose to exclusive representatives are limited and there is no timeframe by which information regarding new hires needs to be provided. This measure will expand the types of information to be disclosed and provide a timeframe for which this information must be provided about new employees. This will ensure that exclusive representatives have the contact information necessary to provide public employees with important information in a timely manner.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1143, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1143, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 332 Labor, Culture and the Arts on S.B. No. 1146

The purpose and intent of this measure is to authorize the Hawaii Labor Relations Board to accept paper and electronic filing of documents.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board and one individual.

Your Committee finds that under existing law, electronic filing of documents with the Hawaii Labor Relations Board is not expressly allowed. Codifying the option to allow for electronic filing of documents would provide a faster and less expensive method of delivery. This measure will reduce costs and provide a more efficient process to accommodate all parties.

Your Committee has amended this measure by including language to clarify that the electronic version of the filing shall be filed by electronic service through a company designated by the Hawaii Labor Relations Board.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1146, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1146, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 333 Labor, Culture and the Arts on S.B. No. 1234

The purpose and intent of this measure is to:

- (1) Transfer the Office of Collective Bargaining from the Office of the Governor to the Department of Human Resources Development; and
- (2) Eliminate references to managed competition in chapter 89A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of the Governor and Department of Human Resources Development.

Your Committee finds that because no position is authorized or appropriated for the chief negotiator position within the Office of Collective Bargaining, the Director of Human Resources Development has assumed the duties and responsibilities of the chief negotiator, which includes assisting the Governor in formulating statewide philosophy for public collective bargaining. With no staff currently allocated to the Office of Collective Bargaining, the Department of Human Resources Development Labor Relations Division provides the necessary support to the Director of Human Resources Development in the Director's role as chief negotiator. By transferring the Office of Collective Bargaining to the Department of Human Resources Development, this measure helps to maintain the institutional knowledge of the statewide philosophy for collective bargaining within one department that will span across future executive administrations

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1234, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 334 Labor, Culture and the Arts on S.B. No. 1374

The purpose and intent of this measure is to:

- (1) Establish a Hawaii retirement savings program for private sector employees;
- (2) Establish the Hawaii retirement savings program administrative fund;
- (3) Require the Department of Budget and Finance to prepare an annual report detailing the Department's activities for the previous fiscal year to the Governor and Legislature; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from Policy Advisory Board for Elder Affairs, Chinatown Gateway Plaza Tenant Association, Art Nelson Sailmaker/Ullman Sails Hawaii, Gochi Grill, Hawaii Retirement Savings Program, AARP Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and seven individuals. Your Committee received testimony in opposition to this measure from NAIFA Hawaii, Hawaii Bankers Association, and American Council of Life Insurers. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that there is an imminent retirement security crisis in the State, as many individuals do not have access to an employer-sponsored retirement plan. Your Committee further finds that individuals need a lifelong savings system that provides them with the opportunity to build their assets and attain future financial stability. Employees who are offered the opportunity to save through the employee's place of employment are significantly more likely to participate and make steady contributions to build retirement savings. Your Committee also finds that providing private sector employees with access to employer-sponsored retirement plans is a reliable way to promote savings needed for a secure retirement, improve economic mobility, and reduce wealth disparity. This measure establishes a Hawaii retirement savings program, which will ensure that in the future private sector employees will have the opportunity to contribute to a retirement plan, take charge of their financial futures, and live independently as they age. Your Committee notes that while the program will eventually require larger start-up and implementation costs, the appropriation in this measure will be used to hire staff to set up the program.

Your Committee has amended this measure by:

- (1) Prohibiting employer cancellation of existing retirement plans for five years after the effective date; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1374, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1374, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

### SCRep. 335 Labor, Culture and the Arts on S.B. No. 1498

The purpose and intent of this measure is to require the Hawaii Labor Relations Board to:

- (1) Determine qualifications for grievance arbitrators and interest arbitrators; and
- (2) Review and determine the qualifications and criteria for potential arbitrators selected under certain circumstances to resolve collective bargaining impasses.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and Hawaii Fire Fighters Association. Your Committee received comments on this measure from the Hawaii Labor Relations Board.

Your Committee finds that there is a clear delineation between grievance arbitrators and interest arbitrators. Due to the fundamental difference between resolving contractual disputes and determining the provisions of the contract, it is appropriate to segregate the functions of a grievance arbitrator and an interest arbitrator, as well as to allow the Hawaii Labor Relations Board to determine qualifications for each.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1498, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1498, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 336 (Joint) Labor, Culture and the Arts and Commerce, Consumer Protection, and Health on S.B. No. 1524

The purpose and intent of this measure is to:

- (1) Prohibit an employer from discriminating against an employee based on the employee's status as a qualifying patient;
- (2) Prohibit an employer from taking action against an employee based solely on the employee's status as a qualifying patient or if the results of the employee's drug test are positive for cannabis; and
- (3) Specify permissible and impermissible actions by employers and employees.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, The Drug Policy Forum of Hawaii, Community Alliance on Prisons, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Public Safety, Hawaii Civil Rights Commission, Department of Labor and Industrial Relations, Department of the Attorney General, and City and County of Honolulu Department of Human Resources.

Your Committees find that thirty-one states allow for the medical use of cannabis by qualifying patients, with a growing number of states establishing employment protections for qualifying medical cannabis patients. Your Committees further find that the medical use of cannabis by a qualifying patient to alleviate the symptoms or effects of the qualifying patient's debilitating medical condition is permitted under existing state law. However, there are no corresponding employment protections for qualifying patients. A qualifying patient can be discriminated against in the hiring process, merely because of the patient's status as a qualifying patient, or fired at an employer's discretion for failing a drug test, even if the qualifying patient is not exhibiting any symptoms of being impaired. This measure therefore prohibits employers from discriminating against an employee based on the employee's status as a qualifying patient. This will allow qualifying patients to use their medication without fear of being disciplined.

Your Committees have amended this measure by:

- Incorporating amendments suggested by the Department of Public Safety to exempt law enforcement officers and correctional facility employees; and
- (2) Inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1524, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1524, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Commerce, Consumer Protection, and Health: Ayes, 6; Ayes with Reservations (Thielen). Noes, none. Excused, 1 (Nishihara).

## SCRep. 337 Labor, Culture and the Arts on S.B. No. 308

The purpose and intent of this measure is to extend the deadline for the Legislative Reference Bureau to submit the sunrise analysis required by Act 109, Session Laws of Hawaii 2018, from September 1, 2019, to December 13, 2019.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Women's Coalition, Retail Merchants of Hawaii, AAUW of Hawaii, Hawaii Appleseed Center for Law & Economic Justice, Midwives Alliance

of Hawaii, Hawaii State Commission on the Status of Women, PHOCUSED, and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Commission on the Status of Women. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that Act 109, Session Laws of Hawaii 2018, (Act 109) directed the Legislative Reference Bureau to conduct a sunrise analysis to determine the impacts of the establishment of a paid family leave program on industry, consumers, employees, employers, and caregivers. The intent of Act 109 was to lay the groundwork for the establishment of a paid family leave framework that will enable all employees to access leave benefits during times when they need to provide care for a family member. Your Committee further finds that the Legislative Reference Bureau issued a request for proposals to conduct the analysis, then found that it was in the best interest of the State to cancel the request. Your Committee also finds that due to the cancelation of the original request for proposals, it would be difficult, given the current timeframe, for the Legislative Reference Bureau to sufficiently conduct and provide a thorough and concise analysis by the September 1, 2019, submission deadline. This measure would allow the Legislative Reference Bureau additional time to submit its analysis.

Your Committee has amended this measure by:

- (1) Changing the deadline for the Legislative Reference Bureau to submit the sunrise analysis report required by Act 109, Session Laws of Hawaii 2018, from December 13, 2019, to December 2, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 308, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 308, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 338 Labor, Culture and the Arts on S.B. No. 423

The purpose and intent of this measure is to:

- (1) Clarify that a specialty contractor, acting as a subcontractor, is not prohibited from taking and executing a construction contract involving two or more crafts of trades if the performance of the work is incidental and supplemental;
- (2) Prohibit incidental and supplemental work on any project requiring the seal or stamp of a professional engineer licensed to perform structural engineering;
- (3) Define "professional engineer" and "structural engineering"; and
- (4) Specify certain specialty contractor subclassifications that shall not be considered incidental and supplemental work.

Your Committee received testimony in support of this measure from the Ironworkers Stabilization Fund. Your Committee received testimony in opposition to this measure from the Hawaii Laborers Union Local 368. Your Committee received comments on this measure from the Department of Accounting and General Services and the Contractors License Board.

Your Committee finds that under existing law, a specialty contractor may take or execute a contract involving the use of two or more crafts or trades for work other than that in which the contractor is licensed, if that work is incidental and supplemental work to the performance of work in the craft that the specialty contractor is licensed. However, there should be a limitation on incidental and supplement work that a specialty contractor may perform since that work is outside of their licensed specialty area. This measure seeks to address those concerns.

Your Committee has amended this measure by deleting its contents and inserting language specifically prohibiting incidental or supplemental work outside of a specialty contractor's licensure on any work that requires the seal or stamp of a professional engineer licensed to perform structural engineering pursuant to section 464-2, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 423, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 423, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 339 Labor, Culture and the Arts on S.B. No. 785

The purpose and intent of this measure is to allow the scope of collective bargaining negotiations to include benefits of the Hawaii Employer-Union Health Benefits Trust Fund and allow parties to collective bargaining resolve impasses related to contribution disputes through binding arbitration.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO. Your Committee received testimony in opposition to this measure from the Department of Budget and Finance. Your Committee received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund and University of Hawaii Professional Assembly.

Your Committee finds that health care benefits are an integral part of an employee's compensation package. Your Committee further finds that this measure will allow the scope of collective bargaining negotiations to include health benefits and allow employers and exclusive representatives to resolve disputes over the health benefits and the amounts of contributions each party pays through

binding arbitration in an effort to reform the Employer-Union Health Benefits Trust Fund to make health care more affordable and flexible for employees.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 785, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 785, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 340 Labor, Culture and the Arts on S.B. No. 792

The purpose and intent of this measure is to:

- (1) Establish the public employees training program to provide training to state employees;
- (2) Allocate either 0.01 percent of each employee's gross salary, or an amount negotiated pursuant to collective bargaining, to the public employees training program; and
- (3) Require all new employees to be provided with a general orientation on their benefits and rights.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Human Resources Development, City and County of Honolulu Department of Human Resources, and Hawaii Government Employees Association.

Your Committee finds that there is a rising number of eligible retirees within the various departments of state government, which creates a pressing need to prepare the next generation of workers to occupy positions vacated by retirees, especially at the supervisory level. Your Committee believes that a public employees training program could help to stabilize the workforce and ensure the transfer of essential skills and institutional knowledge. However, your Committee also wants to ensure that new employees are informed about their benefits and rights as soon as possible. This measure will establish a board to provide training programs for public employees and require that new employees are provided with an orientation where they will be informed about their benefits and rights.

Your Committee has amended this measure by:

- (1) Removing language that would have required public employees to contribute to the public employees training fund;
- (2) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 792, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 792, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 341 Labor, Culture and the Arts on S.B. No. 796

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Human Resources Development.

Your Committee received testimony in support of this measure from the Department of Human Resources Development. Your Committee received comments on this measure from the Deferred Compensation Plan.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Human Resources Development in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 796 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 342 Labor, Culture and the Arts on S.B. No. 797

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Labor and Industrial Relations.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Labor and Industrial Relations in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount for the unemployment insurance modernization project by decreasing it from \$2,000,000 to \$1,000,000 in the second year of the fiscal biennium;
- (2) Changing the appropriation amount for neighbor island staffing and IT support for the unemployment insurance division by decreasing it from \$4,000,000 to \$3,000,000; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 797, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 797, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 343 Labor, Culture and the Arts on S.B. No. 1046

The purpose and intent of this measure is to:

- (1) Allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child;
- (2) Require an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child: and
- (3) Require employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child.

Your Committee received testimony in support of this measure from Hawaii State Coalition Against Domestic Violence, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that victims of domestic violence often need to take leave from their employment to attend to various health or legal matters. Although state law currently requires that employers allow victim leave for victims of domestic or sexual violence, employees are required to exhaust all other paid and unpaid leave accrued for the calendar year before victim leave may be applied. Thus, an employee may exhaust all sick leave in order to seek safety or medical attention for themselves or their minor child or to take legal action against an abuser, leaving little to no sick leave available for the rest of the calendar year. This measure allows family leave to be used separately from victim leave, which will allow employees to maintain their employment, quality of life, and safety.

Your Committee has amended this measure by:

- (1) Specifying that a certification requirement may be met if the employee provides both a certification issued by a health care provider or other professional from whom the employee or the employee's minor child has sought assistance related to the domestic or sexual violence against the employee or employee's child and a signed written statement from an employee, agent, or volunteer of a victim services organization from the employee's attorney or advocate or from a minor child's attorney or advocate to the employer;
- (2) Inserting an effective date of January 1, 2023; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1046, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1046, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

### SCRep. 344 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1417

The purpose and intent of this measure is to appropriate funds for burial grants for qualifying Filipino-American World War II veterans to provide funeral and burial services and transportation of their remains to the Philippines.

Your Committee received testimony in support of this measure from the State Office of Veterans Services; Filipino Community Center, Inc.; Filipino Veterans Recognition and Education Project; University of Hawai'i Pamantasan Council; Filipina Advocacy Network; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that assisting Filipino-American veterans of World War II still living in the State with prospective funeral and burial costs, including the cost of returning their remains to the Philippines if they so desire, would demonstrate the State's appreciation and proper respect for their service.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1417, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1417, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 345 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 92

The purpose and intent of this measure is to allow surviving immediate family members of murder or manslaughter victims to access a copy of the closing report prepared by the investigating police department, upon conclusion of all criminal and civil proceedings that arise from the offense.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that the surviving immediate family members of murder or manslaughter victims often experience profound grief, sense of loss, and guilt. Your Committee further finds that establishing closure can help these surviving family members to process their loss and begin the healing process. This measure will help those family members gain that closure by allowing them to access a copy of the closing report upon the conclusion of criminal and civil proceedings.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 92 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 346 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1219

The purpose and intent of this measure is to:

- (1) Transfer personnel employment responsibility, coordination duties, and Emergency Management Reserve Corps responsibility from the Adjutant General to the Administrator of the Hawaii Emergency Management Agency (Administrator);
- (2) Amend county emergency operation management plan requirements;
- (3) Increase the maximum amount the Governor may expend from the major disaster fund during a single emergency or disaster; and
- (4) Authorize the Administrator to expend monies from the major disaster fund to pay for Emergency Management Reserve Corps activities in addition to training.

Your Committee received testimony in support of this measure from the Department of Transportation, Department of Public Safety, Hawaii Emergency Management Agency, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received testimony in opposition to this measure from K&R Enterprises.

Your Committee finds that, in 2018, the State experienced challenges in sustaining or executing the state emergency management program and thus, opportunities have developed to improve the program. Such challenges included the false missile alert notification in January, flooding on Kauai and Oahu in April, unprecedented Kilauea eruptions on Hawaii island in May, and statewide impacts from Tropical Storms Lane and Olivia in August and September, respectively.

Your Committee further finds that this measure improves the State's emergency management capacity by increasing the amount of funding that the Governor may expend for emergency management response during a major disaster and by supporting additional Emergency Management Reserve Corps activities. Your Committee also finds that this measure provides greater accountability for the Hawaii Emergency Management Agency.

Your Committee has amended this measure by:

- (1) Requiring the Hawaii Emergency Management Agency to prepare a comprehensive emergency plan; adopt standards for county emergency management plans; recommend emergency prevention and mitigation measures related to building codes, zoning, and land use controls to the Legislature, among other requirements; and conduct various emergency management activities to improve the current emergency management program;
- (2) Transferring the responsibility of requesting legislative appropriations for emergency or disaster relief from the Adjutant General to the Administrator;
- (3) Transferring control of the trust account holding federal reimbursement monies for disaster relief from the Department of Defense to the Hawaii Emergency Management Agency;

- (4) Authorizing up to \$2,500,000 of unexpended and unencumbered monies remaining in the major disaster fund at the close of each fiscal year to be carried over to the following fiscal year, in order to build a reserve to respond to future emergencies and disasters: and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1219, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1219, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 347 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 577

The purpose and intent of this measure is to ensure that military personnel, when called to active duty, are paid without delay at the same rate as their active duty counterparts, are entitled to basic allowance for housing, and receive service credit toward public pension and retirement

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii and two individuals. Your Committee received comments on this measure from the Department of Defense, Department of Budget and Finance, and Employees' Retirement System.

Your Committee finds that military personnel are ordered to active duty in the State during times of disaster such as helping communities recover from tropical storms and flooding. Your Committee also finds that not all of these men and women who are called to active duty are paid in a timely manner or entitled to basic allowance for housing.

Your Committee further finds that military personnel, when ordered to active duty in the State, should be entitled to service credit, retirement if also a state or county employee, basic allowance for housing, and pay without delay so that serving the State during times of disaster is not to their detriment.

Your Committee has amended this measure by:

- Clarifying that when ordered to active duty in the State, military personnel may count this time toward retirement, if also a current state or county employee;
- (2) Providing officers and warrant officers of the Army or Air National Guard who are ordered to active duty in the State with the benefit of basic allowance for housing and pay without delay;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 577, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 577, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 348 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1216

The purpose and intent of this measure is to allow the Department of Defense to recoup operating costs when the Adjutant General permits temporary facility use of department facilities to the public.

Your Committee received testimony in support of this measure from the Department of Defense and one individual. Your Committee received testimony in opposition to this measure from K&R Enterprises.

Your Committee finds that the Department of Defense serves as an integral part of the community, as it has established facilities and a presence within various communities throughout the State. Consistent with that role is the policy of lending out Department of Defense facilities on a non-interference basis for temporary public use by various organizations within the community. While rental monies are collected to cover the costs associated with renting the facilities, these monies are deposited into the general fund of the State, which requires the Department of Defense to utilize its operating funds to cover the costs of utilities, supplies, and personnel for the temporary public use of its facilities by the community. This measure ensures that the Department of Defense may continue its community involvement by lending out its facilities without incurring a loss to its operating budget.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1216, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1216, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 349 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1264

The purpose and intent of this measure is to provide emergency funding for temporary housing for 248 inmates at Halawa Correctional Facility.

Your Committee received testimony in support of this measure from the Department of Public Safety.

Your Committee finds that funding for the temporary housing of the 248 inmates terminated in December 2018. Your Committee additionally finds that funding to cover the costs of housing 248 inmates at an out-of-state facility for the remaining six months of fiscal year 2019 is necessary while security electronics and hardware repairs and improvements at Halawa Correctional Facility are being completed.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1264 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 350 (Joint) Public Safety, Intergovernmental, and Military Affairs and Government Operations on S.B. No. 1424

The purpose and intent of this measure is to support best practices for an effective correctional system by:

- (1) Establishing the Hawaii correctional system oversight commission; and
- (2) Consolidating the reentry commission and corrections population management commission into the Hawaii correctional system oversight commission and transferring the rights, powers, functions, and duties of the consolidated commissions to the Hawaii correctional system oversight commission.

Your Committees received testimony in support of this measure from the Department of Public Safety, Office of Hawaiian Affairs, and four individuals. Your Committees received comments on this measure from the Civil Beat Law Center for the Public Interest.

Your Committees find that an increasing number of states are calling for independent oversight of their correctional systems, with at least eight states already having established independent oversight mechanisms to monitor and improve their correctional systems. Your Committees believe that independent oversight of the State's correctional system ensures personnel and fiscal accountability, supports safe conditions for employees, inmates, and detainees, and provides positive reform to a rehabilitative and therapeutic correctional system.

Your Committees further find that the reentry commission and the correctional population management commission have overlapping responsibilities and therefore consolidating the commissions into a single, independent oversight commission led by an oversight coordinator and guided by an experienced group of commission members will promote efficiency and provide greater opportunities for member participation.

Your Committees have amended this measure by:

- Deleting language that would have authorized the commission to hold public meetings and executive meetings closed to the
  public for certain purposes;
- (2) Deleting language would have authorized the oversight coordinator to conduct background checks of prospective employees and consider in all employment decisions the sensitive nature of the commission's operation;
- (3) Deleting language that would have allowed civil service positions of the reentry commission to retain their civil service status upon transfer to the Hawaii correctional system oversight commission;
- (4) Deleting language that would have transferred personal property of the corrections population management commission to the Hawaii correctional system oversight commission; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1424, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1424, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 351 Hawaiian Affairs on S.B. No. 1501

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for the Department of Hawaiian Home Lands.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Hoʻomanapono Political Action Committee, Prince Kūhiō Hawaiian Civic Club, Association of Hawaiian Civic Clubs, and one individual. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2020 fiscal biennium.

Your Committee has amended this measure by:

- Appropriating funds for deposit into and out of the cesspool compliance grant program special fund to implement the cesspool
  compliance grant program;
- (2) Reducing the amount of the general obligation fund issuance authorizations and appropriations to \$25,000,000 for each year of the fiscal biennium;
- (3) Inserting an appropriation of an unspecified amount to assist the Department of Hawaiian Home Lands with building homes, infrastructure, capital improvement projects, operating and administrative costs, fringe, and other needs and priorities; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the items expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the items expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent. In addition, your Committee requests that your Committee on Ways and Means favor funding the cesspool compliance grant program special fund with general obligation bonds, rather than general fund revenues, unless in the discretion of your Committee on Ways and Means a better means of funding exists.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1501, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1501, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

## SCRep. 352 (Joint) Judiciary and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1347

The purpose and intent of this measure is to appropriate funds to the Department of the Attorney General to maintain the weed and seed strategy, a collaborative effort to prevent crime and rebuild communities in targeted areas.

Your Committees received testimony in support of this measure from the Department of the Attorney General; Hawaii Paroling Authority; Honolulu Police Department; Haseko Development, Inc.; Gentry Homes, Ltd.; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; First Hawaiian Bank's Ward Branch; Honolulu County Republican Party; and ten individuals.

Your Committees find that the weed and seed strategy as implemented in Hawaii provides community policing strategies; prevention, intervention, and treatment activities; and neighborhood restoration through collaborations between federal, state, and county law enforcement agencies; social service agencies; and private businesses. Your Committees additionally find that over the years, the implementation of the weed and seed strategy in Hawaii has played a significant role in reducing crime in historically troubled neighborhoods.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1347 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 353 Human Services on S.B. No. 162

The purpose and intent of this measure is to provide to a taxpayer who hires an elderly individual a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.

Your Committee received testimony in support of this measure from a member of the Kaua'i County Council, Hawai'i State Association of Counties, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that elderly individuals often have a wealth of work and life experiences that allow them to make significant contributions to employers. Providing tax incentives to employers to hire elderly individuals will help increase employment of Hawaii's aging population and enable these individuals to continue supporting their families.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Department of Taxation that:
  - (A) Changes the tax credit from fifty percent of the qualified wages for the first six months after the elderly individual is initially hired to twenty-five percent of the qualified wages for the first twelve months after the elderly individual is initially hired;
  - (B) Clarifies that the definition of "wages" is based solely on cash wages;
  - (C) Clarifies that the definition of "qualified wages" excludes amounts for which another credit is claimed or a deduction is taken; and
  - (D) Clarifies that the credit is applicable to taxable years beginning after December 31, 2019, to allow the Department of Taxation sufficient time to make necessary form, instruction, and computer changes; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 162, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 162, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 354 Human Services on S.B. No. 161

The purpose and intent of this measure is to provide to a taxpayer who hires an individual with a disability a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.

Your Committee received testimony in support of this measure from a member of the Kaua'i County Council, a member of the Maui County Council, Hawaii State Association of Counties, Hawaii Disability Rights Center, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that providing an incentive to hire individuals with disabilities encourages employers to hire those individuals. Your Committee further finds that hiring individuals with disabilities facilitates the economic self-sufficiency of those individuals, creates awareness and opportunities surrounding workplace accessibility and productivity of workers with disabilities, and adds motivated people to the work force. This measure provides a tax credit to employers who hire individuals with disabilities, which allows employers to capitalize on the value and talent that individuals with disabilities offer in the workplace, while receiving an added benefit of a tax credit.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Department of Taxation that:
  - (A) Changes the tax credit from fifty percent of the qualified wages for the first six months after the individual with a disability is initially hired to twenty-five percent of the qualified wages for the first twelve months after the individual with a disability is initially hired;
  - (B) Clarifies the definition of "individual with a disability"; and
  - (C) Clarifies that the definition of "wages" is based solely on cash wages; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 161, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 161, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 355 Water and Land on S.B. No. 1340

The purpose and intent of this measure is to require that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within a sea level rise exposure area, subject to the availability of county maps designating the areas by tax map key.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Office of Planning and Chamber of Commerce Hawaii.

Your Committee finds that oceanfront property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise. Your Committee also finds that in December 2017, the Hawaii Climate Change Mitigation and Adaptation Commission accepted the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). The first recommendation of the SLR Report is to recognize the SLR-XA (Sea Level Rise Vulnerability Area) as a statewide vulnerability zone. The SLR-XA demonstrates the extent of the potential exposure of land and structures to flooding and erosion with an increase of 0.5, 1.1, 2.0, and 3.2 feet of sea level rise throughout the State. Your Committee believes that sea level rise is a concern for all real property owners, not only oceanfront property owners. This measure requires seller disclosures in real estate transactions in such areas to enable property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the property.

Your Committee has amended this measure by:

- Clarifying that the mandatory seller disclosures are required for real estate within a two-foot sea level rise exposure area as
  officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, as amended herein, and recommends that it pass Second Reading

in the form attached hereto as S.B. No. 1340, S.D. 1, and be referred to your Committees on Judiciary and Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

## SCRep. 356 Water and Land on S.B. No. 1339

The purpose and intent of this measure is to require a vulnerable coastal property purchaser statement with the sale or transfer of vulnerable coastal real property.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, and thirteen individuals. Your Committee received comments on this measure from the Office of Planning and Chamber of Commerce Hawaii.

Your Committee finds that coastal property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise and human-caused interruptions to natural sand supply. Owners of coastal property are at risk of losing land when shorelines undergo landward retreat, which negatively impacts building setbacks, property values, and insurance availability. Furthermore, coastal property owners face stringent permit requirements imposed by the counties and State for shoreline protection. This measure enables coastal property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the coastal property by requiring a vulnerable coastal property purchaser statement with the sale or transfer of any vulnerable coastal real property.

Your Committee has amended this measure by:

- Clarifying that "vulnerable coastal property" means real property within a two-foot sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission; and
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1339, S.D. 1, and be referred to your Committees on Judiciary and Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

## SCRep. 357 Transportation on S.B. No. 409

The purpose and intent of this measure is to establish an annual electric vehicle registration surcharge fee to be deposited into the state highway fund.

Your Committee received testimony in support of this measure from the Department of Transportation and Hawaii Transportation Association. Your Committee received testimony in opposition to this measure from Alliance of Automobile Manufacturers, Global Automakers, Ulupono Initiative, Blue Planet Foundation, Hawaii Automobile Dealers' Association, and five individuals. Your Committee received comments on this measure from the Hawaiian Electric Company Inc. and Tesla.

Your Committee finds that electric vehicles, hybrid vehicles, and other alternative fuel vehicles provide many benefits for the environment. Your Committee believes that more residents will switch to an electric, hybrid, or alternative fuel vehicle in the near future. However, because electric vehicles, hybrid vehicles, and other alternative fuel vehicles use either less or no fuel, they are not subject to, or pay less in, fuel taxes. Fuel taxes are an important source of revenue for the Department of Transportation to fund the repair and maintenance of Hawaii's roads. As these types of vehicles still inflict wear and tear on public roads, this measure ensures that all vehicle owners share responsibility and contribute to the upkeep of Hawaii's highway infrastructure.

Your Committee has amended this measure by:

- (1) Including plug-in electric hybrid vehicles, alternative fuel vehicles, and hybrid vehicles in the types of vehicles subject to the annual vehicle registration surcharge;
- Clarifying that the annual vehicle registration surcharge shall only apply to electric vehicles, plug-in hybrid vehicles, alternative fuel vehicles, and hybrid vehicles manufactured after 2018;
- (3) Inserting a surcharge fee of \$15; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 409, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 409, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 358 Transportation on S.B. No. 822

The purpose and intent of this measure is to include flood damage and material damage to a motor vehicle's electronics in the definition of "rebuilt vehicles".

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received comments on this measure from the State Farm Mutual Automobile Insurance Company.

Your Committee finds that under existing law, a vehicle that is declared a total loss can only be subject to a branded "rebuilt vehicle" title if there is material damage to its frame, unitized structure, or suspension system, and the cost to repair is greater than the vehicle's market value. When a vehicle is branded with a rebuilt title, it warns future purchasers that the car has been declared a total loss and might have hidden defects that could affect its operation. However, existing law does not require a car that has sustained significant flood damage to be considered a rebuilt vehicle.

Your Committee further finds that due to the technological advancement made in cars and the constant and heavy rain in Hawaii, an amendment to existing law covering rebuilt vehicles is necessary to account for damage to a motor vehicle's electronics, which is often caused by flooding. This measure would add flood damage and damage to electronics to the definition of a rebuilt vehicle, which will offer consumer protection and ensure the safety of all.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 822 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 359 Transportation on S.B. No. 429

The purpose and intent of this measure is to:

- (1) Require a driver's license to include a person's full legal name, date of birth, gender category, residence address, and license or identification card number; and
- (2) Include a third option of gender identification for a driver's license and state identification card.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawai'i State Commission on the Status of Women; LGBT Caucus of the Democratic Party of Hawaii; Gay, Lesbian, and Straight Education Network; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Women's Coalition; and twenty-four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that Hawaii has one of the largest percentages of transgender individuals in the United States. Your Committee further finds that gender and sex markers on a form of identification can cause discrimination and invasive questions from individuals, creating uncomfortable situations for transgender and non-gender conforming individuals. Your Committee also finds that mandatory binary classification does not accommodate the wide range of natural biological variations or gender expressions. This measure will offer the transgender and gender non-conforming community the opportunity to put a gender marker that more aligns to their identity by including another option for a gender marker.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 429 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 360 Transportation on S.B. No. 739

The purpose and intent of this measure is to require employers of fifty persons or more who provide a parking subsidy to employees to offer a parking cash-out program.

Your Committee received testimony in support of this measure from the Ulupono Initiative, Bikeshare Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that ground transportation in Hawaii uses roughly a third of the State's imported fossil fuels partly because many employers provide employees with parking subsidies which can encourage employees to drive to work. In order for the State to reduce its dependence on fossil fuels, the State needs to encourage people to drive less and incentivize using alternative forms of transportation. A parking cash-out program similar to the program adopted in California may be a good example for businesses in Hawaii to offer a cash allowance instead of parking subsidies to provide incentives for other, less toxic forms of transportation.

Your Committee notes the concern of mandating private business to offer a cash allowance in place of a parking subsidy and its potential impact on certain businesses. Your Committee encourages further discussion between the State and appropriate stakeholders regarding the potential impact of this measure.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 739 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (English).

### SCRep. 361 Transportation on S.B. No. 1078

The purpose and intent of this measure is to amend the definition of "bicycle" for the purposes of county vehicular taxes, highway safety laws, and the statewide traffic code by adding and defining low-speed electric bicycles.

Your Committee received testimony in support of this measure from the Department of Transportation and Hawaii Bicycling League.

Your Committee finds that electric bicycles are becoming an increasingly important and popular form of transportation, and a more significant component of the bicycle industry. This measure is intended to statutorily recognize that low-speed electric bicycles are a type of bicycle and subject to the same laws as other bicycles. Your Committee notes that the federal definition of a low-speed electric bicycle is a bicycle whose "maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph." Based on testimony provided by the Department of Transportation, because low-speed electric vehicles can go 20 miles per hour without much human effort, for safety purposes, an age limit should be established for operating such vehicles.

Accordingly, your Committee has amended this measure by requiring the operator of a low-speed electric bicycle to be at least 15 years of age.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1078, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1078, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 362 (Joint) Transportation and Judiciary on S.B. No. 327

The purpose and intent of this measure is to require the Attorney General to condemn certain private roads on the island of Oahu.

Your Committees received testimony in support of this measure from three individuals. Your Committees received testimony in opposition to this measure from the Ho'omanapono Political Action Committee and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources, Department of the Attorney General, Department of Health, and Hawaiian Electric Company.

Your Committees find that there are many roads throughout Hawaii that are not owned by either the State or any county, and whose private ownership is unknown. Although these roads are used by the public, because of the unknown ownership, these roads are not maintained properly and some have fallen into significant disrepair. Your Committees note that currently, no one is paying real property taxes on most or all of the lanes in this measure and they are currently being valued at de minimis amounts. Your Committees also note that a title guarantee report dated April 30, 2014, was not able to determine the current owners of Rawlins Lane.

Your Committees have amended this measure by:

- (1) Deleting all of the lanes required to be condemned by the Attorney General except for Rawlins Lane and Kalani Street;
- (2) Including Factory Street as one of the roads to be condemned;
- (3) Requiring the Attorney General to make a good faith effort to determine whether any kuleana lands are involved prior to condemnation;
- (4) Requiring the Department of Transportation to operate and maintain the roads after condemnation;
- (5) Inserting a blank appropriation; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 327, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 327, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4; Ayes with Reservations (English, Harimoto, Shimabukuro). Noes, none. Excused, 1 (Fevella). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 363 (Joint) Agriculture and Environment and Higher Education on S.B. No. 261

The purpose and intent of this measure is to:

- (1) Appropriate funds for the GoFarm Hawaii program; and
- (2) Require the GoFarm Hawaii program to provide the Chairperson of the Board of Agriculture with the program's annual goals and a semi-annual report outlining program outputs and outcomes.

Your Committees received testimony in support of this measure from the Department of Agriculture; University of Hawai'i System; Hawai'i Center for Food Safety; Ulupono Initiative; North Shore Economic Vitality Partnership; Down to Earth Organic and Natural; Hawai'i 'Ulu Producers Cooperative; Americans for Democratic Action Hawai'i; Counter Culture Organic Farm; Farm Link Hawaii; Hoalahou Farm LLC; The Kohala Center; Hilo Sun Farms; Hawaii Cattlemen's Council; Regenerations Botanical Garden; Sweetbreads, LLC; Lokoea Farms; Rainbow Farms; Kaiona Farms Waialua; Tiny Aina Farm; 'Aina Ho'okupu O Kilauea; East Kauai Soil and Water Conservation District; Hawaii Agriculture Research Center; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Our Revolution Hawaii; Nui Na Lima Farm LLC; and twenty-two individuals.

Your Committees find that about eighty-five to ninety percent of Hawaii's food is imported, which makes Hawaii particularly vulnerable to natural disasters and global events that disrupt shipping and other modes of transporting food. Additionally, because a high percentage of the food consumed in the State is imported, billions of dollars of food expenditures leave the State each year. To

ensure continued interest in farming as a profession, support is needed to develop financially viable agricultural operations through programs like the GoFarm Hawaii program, which improves food security and self-sufficiency. This measure supports the GoFarm program to encourage more people to develop financially viable farming operations that will increase local food production and provide sustainable agriculture in Hawaii.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 261 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen). Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

#### SCRep. 364 (Joint) Agriculture and Environment and Housing on S.B. No. 755

The purpose and intent of this measure is to establish an agricultural housing task force to analyze and provide recommendations that would streamline existing laws, rules, and processes to authorize the construction of safe and sanitary on-farm housing units for residential use within agricultural districts, on farms that are engaged in agricultural production.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council; Hawaii Farm Bureau; Hawaii Cattlemen's Council; Hawaii Coffee Association; Our Revolution Hawaii; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; GMO Free Kaua'i; Kokuakats Farm; Hawaii Farmer's Union; Ulupono Initiative; We Are One, Inc.; Hawai'i Center for Food Safety; Momilani Farm; Ka Ohana O Na Pua; Greenleaf Farm; Land Use Research Foundation of Hawaii; A'a Li'i Farm; and over one hundred individuals. Your Committees received comments on this measure from the Office of Planning, Department of Agriculture, Department of Health, and Land Use Commission.

Your Committees find that existing laws governing construction of on-farm housing units are complicated, confusing, and vary across the State. On-farm housing units must comply with different layers of regulations at the federal level and laws and rules at the state and county levels.

Your Committees further find that many of the laws and rules governing construction of traditional residential housing units are ill-suited to the demands and economic realities of working farms. These existing laws, rules, and processes preclude farms from providing safe, sanitary, and affordable on-farm housing units to attract and retain farm workers, and stand as an obstacle to the State's agricultural self-sufficiency.

Your Committees additionally find that affordable, safe, and sanitary on-farm housing units are critical for working farms to attract and retain long-term and short-term farm workers in Hawaii.

Your Committees have amended this measure by:

- (1) Directing the task force to give special consideration to modular housing as a solution;
- (2) Establishing an additional objective of the task force to create a separate legal designation, as it relates to zoning, for homes with a permanent foundation and modular homes without a permanent foundation;
- (3) Replacing the phrase "housing units for residential use on farms" with "employee housing" throughout the measure, for the purpose of clarity; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 755, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 755, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella). Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 365 (Joint) Higher Education and Agriculture and Environment on S.B. No. 801

The purpose and intent of this measure is to appropriate funds for the renovation, expansion, and modernization of the Waikiki Aquarium structure.

Your Committees received testimony in support of this measure from the University of Hawai'i System and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committees find that the Waikiki Aquarium is the second oldest aquarium in the United States, having hosted an average of three hundred thousand annual visitors over the past decade. However, the aquarium is showing signs of aging and disrepair as it has not been able to expand and modernize at the same pace as more modern and larger domestic and international aquariums. This measure helps the Waikiki Aquarium redefine itself and remain relevant by elevating its facilities to make itself a favored destination for locals and visitors of Hawaii.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 801 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 366 (Joint) Higher Education and Agriculture and Environment on S.B. No. 484

The purpose and intent of this measure is to appropriate funds for the University of Hawaii West Oahu to expand its existing programs and develop new means to increase food security and self-sufficiency.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Department of Agriculture, Life of the Land, Aina Ho'okupu O Kilauea, Waipa Foundation, Hawai'i Alliance for Community-Based Economic Development, HFUU Haleakala, Lokoea Farms, and twenty-five individuals.

Your Committees find that Hawaii does not have an adequate-sized farming workforce for expansion of cultivated agricultural lands and food production. In order to meet the State's aspirations for increased food security and self-sufficiency, the number of local farms and farmers and the amount of food produced for local markets will need to increase significantly. This can be achieved through the development of higher education systems in Hawaii to promote understanding of sustainable food production and train a new generation of students for jobs in the sustainable food and agriculture sector.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 484 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 4; Ayes with Reservations (Kidani). Noes, none. Excused, 1 (Kahele).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 367 Human Services on S.B. No. 449

The purpose and intent of this measure is to:

- (1) Establish in the Department of the Attorney General a child abuse investigation unit;
- (2) Allow the Department of the Attorney General to intervene in adjudications in family court;
- (3) Enact the Uniform Child Witness Testimony by Alternative Methods Act, which authorizes courts to allow for children to testify in a place other than an open forum or away from the finder of fact, court, or parties; and
- (4) Require the court and the prosecution to take appropriate action to ensure a prompt trial in order to minimize the length of time a child abuse victim or minor witness must endure the stress of the child's involvement in the proceedings.

Your Committee received testimony in support of this measure from the Commission to Promote Uniform Legislation, Malama O Puna, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Kapiʻolani Medical Center for Women and Children, and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, State of Hawaiʻi and Hawaiʻi Supreme Court Standing Committee on the Hawaiʻi Rules of Evidence. Your Committee received comments on this measure from the Department of the Attorney General and Department of Human Services.

Your Committee finds that child abuse victims have as much a right to a speedy trial as do defendants and adult perpetrators of child abuse. Your Committee further finds that the failure to provide a speedy trial to child abuse victims further traumatizes the child, who may develop childhood memories of a haunting assault, particularly sexual assault. Additionally, over time and as a coping mechanism, a child may suppress details of the abuse, which are critical in the child's testimony. Your Committee also finds that requiring children to testify in person may cause child abuse victims emotional distress. This measure will require an expedited disposition of cases in all criminal proceedings involving abuse of minors, so they are not forced to continue to relive their trauma.

Your Committee further finds that this measure authorizes child abuse victims to testify via alternative methods, as an attempt to shield a child abuse victim from further emotional distress that may be caused by in-person testimony before a defendant. However, your Committee has heard testimony that this measure, as written, raises potential constitutional concerns. Amendments to this measure are therefore needed to address these concerns, and other concerns raised in testimony.

Your Committee has amended this measure by:

- Removing language that would have established a child abuse investigation unit within the Department of the Attorney General; adopted the Uniform Child Witness Testimony by Alternative Methods Act; and authorized the Attorney General to intervene in any adjudication under the Child Protective Act;
- (2) Clarifying that the expedited proceedings requirements proposed are for criminal proceedings of criminal offenses perpetuated against a minor or any other criminal proceedings involving minor victims or witnesses, rather than civil proceedings;
- (3) Permitting judicial discretion when good cause is shown for purposes of granting continuances, commencing trial, and imposing sanctions;
- (4) Updating the purpose section; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 449, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 449, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

## SCRep. 368 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 1051

The purpose and intent of this measure is to:

- (1) Require the Department of Human Services, in consultation with the Department of Health, to establish a pilot project to provide shelter and mental health treatment for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders who are subject to court-ordered assisted community treatment or court-ordered guardianship;
- (2) Establish requirements for the pilot project, including requirements for placement in the pilot project;
- (3) Require reports to the legislature; and
- (4) Appropriate funds for the pilot project.

Your Committees received testimony in support of this measure from the Hawaii Kai Homeless Task Force, Hawaii Substance Abuse Coalition, Mental Health America of Hawai'i, Catholic Charities Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Partners In Care, and three individuals. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness, Department of Human Services, Department of Health, and Office of the Public Guardian.

Your Committees find that the State has a gap in services for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders, as these individuals often cycle between homelessness, emergency room treatment, incarceration, and hospitalization. Individuals with severe mental illness or severe co-occurring mental illness and substance use disorders typically become chronically homeless and further burden the health care system through excessive use of expensive emergency department, inpatient treatment, and crisis services. Due to their mental illness, these individuals routinely reject offered services and remain on the street, putting themselves at risk of further injury and creating a significant burden on the communities where they reside. This measure therefore establishes a pilot program that will operate a facility to provide shelter and mental health treatment to homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders.

Your Committees note that various state agencies have expressed in testimony the importance and need for programs that will allow homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders to receive treatment while living in a safe and supportive environment. The agencies that will likely be impacted by this measure have expressed willingness to work toward a solution to address this need. However, the agencies have concerns regarding its implementation and suggest that more time and planning is needed at this time. Your Committees agree with these concerns and conclude that it is appropriate to establish a task force as a necessary first step, prior to the implementation of the task force proposed by this measure.

Accordingly, your Committees have amended this measure by:

- (1) Establishing a task force to determine specific implementation requirements necessary to establish a pilot program intended to provide shelter and mental health treatment for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders who are subject to court-ordered guardianship;
- (2) Requiring the task force to consider specific implementation concerns and any requirements necessary for a pilot program;
- (3) Specifying the membership on the task force, deadline for any recommendations and proposed legislation by the task force, and date of dissolution;
- (4) Removing language that would have required the Departments of Human Services and Health to establish a three-year pilot project to provide shelter and mental health treatment for homeless individuals with severe mental illness or severe cooccurring mental illness and substance use disorders who are subject to court-ordered assisted community treatment or courtordered guardianship;
- (5) Changing the appropriation from \$600,000 for fiscal years 2019-2020 and 2020-2021 to an unspecified amount; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1051, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1051, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere). Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

## SCRep. 369 (Joint) Human Services and Housing on S.B. No. 1395

The purpose and intent of this measure is to make an appropriation for the state rent supplement program.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness, Department of Human Services, Hawaii Kai Task Force, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Our Revolution Hawaii, Hawaii Island HIV/AIDS Foundation, and one individual. Your Committees received comments on this measure from the Hawaii Public Housing Authority.

Your Committees find that the state rent supplement program has proven to be effective in securing and maintaining housing for working individuals, senior or disabled individuals, and families who are homeless. The state rent supplement program provides a relatively shallow, but sustained, rental subsidy to enable vulnerable households or those at imminent risk of homelessness to close the

rental affordability gap, maintain housing, and achieve self-sufficiency. The rental assistance provided by this measure will support working families achieve housing stability, which promotes employment and educational success and supports good health outcomes.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1395 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Housing: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

## SCRep. 370 Commerce, Consumer Protection, and Health on S.B. No. 819

The purpose and intent of this measure is to authorize and establish procedures and criteria for prescriptive authority for clinical psychologists who meet specific education, training, and registration requirements.

Your Committee received testimony in support of this measure from the Hawai'i Psychological Association, Mental Health America of Hawai'i, American Psychological Association, and over forty individuals. Your Committee received testimony in opposition to this measure from the Hawaii Psychiatric Medical Association, Hawaii Medical Association, American Osteopathic Association and Hawaii Association of Osteopathic Physicians and Surgeons, American Psychiatric Association, American Medical Association, and eleven individuals. Your Committee received comments on this measure from the Board of Psychology.

Your Committee finds that there is a critical need in Hawaii for improved access to safe, effective, and comprehensive mental health care services. Due to the shortage of psychiatrists, patients' mental health issues often fall to their primary care provider or family physician for diagnosis and treatment, or they forgo treatment altogether because they lack access to a psychiatrist. The vast majority of Americans who receive medications for treatment of mental disorders do not obtain them from psychiatrists. In fact, studies have shown that nearly sixty percent of psychotropic medications are prescribed by primary care providers for patients with no documented psychiatric diagnosis. Non-psychiatric physicians are not, however, generally trained to diagnose and treat mental health disorders, provide psychotherapy, or other psychological interventions. Furthermore, psychiatrists are the least likely to accept insurance or Medicaid compared to other medical specialties.

Your Committee additionally finds that psychologists with additional post-doctoral training in psychopharmacology are skilled in both the diagnosis and treatment of mental conditions and use of psychotropic medications. They can provide urgently needed psychological interventions and psychopharmacological treatment services to the underserved populations of the State. This measure increases access to care by allowing psychologists with appropriate advanced training in psychopharmacology to provide comprehensive mental health care. This measure further provides necessary safeguards to ensure that only those psychologists with appropriate education, clinical training, and registration will be authorized to prescribe from a limited formulary of psychotropic medications.

Your Committee has amended this measure by:

- Clarifying that the clinical experience requirement for eligibility as a prescribing psychologist shall include a minimum of
  eight hundred hours completed over a fifty-six-month period and an eight-week rotation through specified areas of medicine;
- (2) Inserting language delaying implementation to July 1, 2022 to give the Board of Psychology adequate time to prepare for the requirements proposed by this measure;
- (3) Clarifying that the repeal date for this measure is intended to be August 31, 2025;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 819, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 819, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Nishihara). Noes, none. Excused, 2 (Ruderman, Fevella).

## SCRep. 371 Commerce, Consumer Protection, and Health on S.B. No. 537

The purpose and intent of this measure is to:

- (1) Transition from lump sum deferred deposit transactions to installment-based small dollar loan transactions;
- (2) Specify various consumer protection requirements for small dollar loans;
- (3) Beginning January 1, 2020, require licensure for small dollar lenders that offer small dollar loans to consumers;
- (4) Specify licensing requirements for small dollar lenders; and
- (5) Appropriate funds out of the compliance resolution fund for the hiring of staff necessary to implement the program.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaiian Community Assets, Mental Health America of Hawai'i, Catholic Charities Hawai'i, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received testimony in opposition to this measure from Money Service Centers of Hawaii, Inc. and Hawaii Bankers Association. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that deferred deposit agreements, commonly referred to as payday loans, are small, short term, unsecured loans that borrowers commit to repay from their next paycheck or a regular income payment. The majority of borrowers use deferred deposit agreements for recurring expenses, rather than unexpected expenses or emergencies, because they live paycheck to paycheck. The majority of short-term loans are borrowed by consumers who take out at least ten loans in a row, with the borrower paying far more in fees and predatory interest than they received in credit.

According to testimony received by your Committee, current laws allow payday lenders to prey on economically vulnerable workers in the State and trap them in cycles of unaffordable debt. Your Committee notes that without strong consumer protections in the payday loan industry, payday loan borrowers may find such debt overwhelming and may be unable to pay rent and basic living expenses, thus further contributing to the State's homelessness crisis. This measure therefore establishes a regulatory structure for small dollar loans to encourage transparency and increase consumer protection in the payday lending industry in the State.

Your Committee has amended this measure by:

- (1) Clarifying that any maintenance fees on each small dollar loan transaction and renewal shall be applied in arrears on a monthly basis:
- (2) Clarifying that a lender may renew up to \$1,000 of the remaining unpaid principal balance, rather than of the remaining unpaid balance;
- (3) Clarifying that all financial institutions and nondepository financial service loan companies, rather than only those authorized by the Division of Financial Institutions, are exempt from the small dollar loan regulatory requirements;
- (4) Clarifying that the confidentiality provisions established by this measure shall control in the event of a conflict with any other section of law;
- (5) Inserting an appropriation amount of \$220,941 from the compliance resolution fund for the two permanent examiner positions; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 537, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 537, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## Rep. 372 Commerce, Consumer Protection, and Health on S.B. No. 722

The purpose and intent of this measure is to:

- (1) Require planned community associations to register with the Real Estate Commission;
- (2) Require the Real Estate Commission to administer and enforce planned community association laws; and
- (3) Establish the planned community association education trust fund.

Your Committee received testimony in support of this measure from the Hawaii Council of Associations of Apartment Owners and two individuals. Your Committee received testimony in opposition to this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs; Real Estate Commission; Community Associations Institute, Hawaii Chapter; and Associa. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure is intended to grant additional powers to, and provide additional means for the self-governance of, planned community associations. This measure also extends certain benefits granted to condominium residents to members of planned community associations, including extending certain powers of the Real Estate Commission to cover planned community associations and creating an education trust fund funded by fees paid by planned community associations.

However, your Committee has heard the concerns raised in testimony that planned community associations are vastly different from condominium associations, in terms of their needs and operations. As planned community associations have traditionally been regarded as created by contract, rather than created via statute like condominiums, it may not be appropriate for these entities to share the exact same rights and benefits.

Your Committee notes that planned community associations and condominiums have had similar ongoing issues regarding nonjudicial foreclosure and power of sale remedies. Clarification regarding whether planned community associations may exercise non-judicial or power of sale foreclosure remedies regardless of the presence or absence of the power of sale language in the association documents would give planned community associations another tool to address this particular area of governance. Your Committee therefore concludes that amendments to this measure are necessary.

Your Committee has amended this measure by:

- Inserting language clarifying that planned community associations may exercise nonjudicial or power of sale foreclosure remedies regardless of the presence or absence of the power of sale language in the association documents;
- (2) Removing language that would have required planned community associations to register with the Real Estate Commission, required the Real Estate Commission to administer and enforce planned community association laws, and established the planned community association education trust fund;

- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 722, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 722, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Ruderman, Fevella).

## SCRep. 373 Commerce, Consumer Protection, and Health on S.B. No. 307

The purpose and intent of this measure is to establish a provisional license for speech pathologists.

Your Committee received testimony in support of this measure from the Board of Speech Pathology and Audiology, Healthcare Association of Hawaii, Hawaii Speech-Language-Hearing Association, Hale Hoʻola Hamakua Critical Access Hospital, Oahu Speech Language Pathology Consultants, and over forty individuals.

Your Committee finds that Hawaii is one of the few states that do not provide a provisional license to clinical fellows who are transitioning from a speech-language pathology student to a provider. When clinical fellows are not licensed, they are often not recognized as qualified clinicians for the purposes of reimbursement and are therefore unable to bill Medicare and most insurance companies. This results in a shortage of speech pathologists, delaying needed services, and a lack of job opportunities in the State for clinical fellows after graduating from accredited universities. Of particular concern is that Hawaii is losing talented graduates, who wish to stay in the State and provide service to the community, but who must relocate to the mainland to seek job opportunities not available in Hawaii. This measure establishes a provisional license for clinical fellows to practice under the guidance of an American Speech-Language-Hearing Association certified supervisor while they pursue their permanent licensure requirements, which will provide more employment opportunities for recent graduates and help to alleviate Hawaii's speech pathologist shortage.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 307 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

#### SCRep. 374 Commerce, Consumer Protection, and Health on S.B. No. 550

The purpose and intent of this measure is to allow Public Utilities Commission members who are residents of a county other than the City and County of Honolulu to receive an allowance of \$225 per day for expenses related to board, lodging, and incidental expenses, in addition to actual air travel expenses.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, The Alliance for Solar Choice, and one individual.

Your Committee finds that the Public Utilities Commission serves a critical role in providing regulatory oversight for various regulated utility and transportation industries, ensuring that consumers of the regulated services receive reliable services at affordable rates, and overseeing other important public interest matters. Given these responsibilities, it is important that the State attract the most qualified candidates to serve as Commissioners, regardless of the island on which they reside.

Your Committee further finds that neighbor island commissioners are not currently provided any reimbursement for their travel expenses, such as airfare, board, lodging, and incidental expenses. In addition to airfare, neighbor island commissioners incur expenses related to lodging, utilities, and transportation to Oahu, which can exceed \$30,000 per year, or more than twenty-five percent of a Commissioner's annual salary. Your Committee notes that there are other similarly situated boards and commissions that are allowed reimbursement for these expenses. Therefore, your Committee finds that it is appropriate for neighbor island commissioners to receive similar reimbursement as necessary to offset the additional costs they incur in furtherance of their duties.

Your Committee has amended this measure by clarifying that a neighbor island commissioner may be reimbursed for actual air travel expenses incurred in carrying out the commissioner's duties.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 550, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 550, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 375 (Joint) Housing and Human Services on S.B. No. 1020

The purpose and intent of this measure is to appropriate funds to the Hawaii Public Housing Authority for the state rent supplement program to provide assistance through the establishment of a housing homeless children rental assistance pilot program.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority, Hawaii Youth Services Network, Hawaii Children's Action Network, Hawaii State Coalition Against Domestic Violence, Our Revolution Hawaii, Hawaiian Community Assets, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Kai Homeless Task

Force, and four individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness and State Procurement Office.

Your Committees find that homelessness and affordable housing are two of the most pressing problems in Hawaii. According to the 2018 Oahu Homeless Point-In-Time Count, there were 407 sheltered and unsheltered homeless families on the island of Oahu, including 899 homeless minor children on Oahu. Your Committees note that while the number of homeless individuals has decreased in recent years, a robust and comprehensive solution is needed to address the number of homeless families, particularly homeless children. Your Committees further find that one major contributing factor to the number of homeless families is the high cost of housing in Hawaii. By increasing the State's investment in long-term, shallow rent subsidies, the State can help vulnerable families out of homelessness and ensure greater housing stability.

This measure continues to address the State's homeless crisis by expanding help to homeless children through a housing homeless children rental assistance pilot program to provide ongoing, shallow rental subsidies to move homeless families with children into stable housing.

Your Committees have amended this measure by:

- (1) Changing the agency responsible to provide assistance through the establishment of a housing homeless children rental assistance pilot program from the state rent supplement program under the Hawaii Public Housing Authority to the Department of Human Services;
- (2) Inserting language to clarify that the period of performance of contracts procured for financial management and budget counseling services do not exceed the three-year term of the pilot program;
- (3) Requiring the Department of Human Services to participate in the Continuum of Care's Coordinated Entry System and requiring the Department of Human Services and housing counseling agencies that provide services under the pilot program to input data into the United States Department of Housing and Urban Development's Homeless Management Information System; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that all families, not only families with children who are experiencing domestic violence, stand to benefit from the pilot program proposed by this measure and that this program should therefore be expanded to encompass all families. Your Committees further note that it is important to provide job training, proper placement of families, and extensive children assistance for families receiving a short term subsidy, to ensure sustainability of their housing.

As affirmed by the records of votes of the members of your Committees on Housing and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1020, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1020, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella). Human Services: Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

### SCRep. 376 (Joint) Housing and Transportation on S.B. No. 1389

The purpose and intent of this measure is to:

- (1) Require the Hawaii Community Development Authority (HCDA) to develop a transit-oriented development infrastructure improvement zone program to foster infrastructure development by strategically investing in public facilities;
- (2) Authorize the Hawaii Housing Finance and Development Corporation (HHFDC), at the request of HCDA, to establish and operate transit-oriented development infrastructure improvement zone subaccounts within the dwelling unit revolving fund for the benefit of infrastructure improvement projects within a transit-oriented development infrastructure improvement zone;
- (3) Require the Executive Director of HHFDC, in collaboration with the Executive Director of HCDA and the Hawaii Interagency Council for Transit-Oriented Development, to conduct a study examining the current infrastructure of a transit-oriented development infrastructure improvement zone and the requirements necessary to upgrade the infrastructure to facilitate future transit-oriented development; and
- (4) Appropriate funds to HCDA for staff necessary to develop and manage the transit-oriented development infrastructure improvement zone program.

Your Committees received testimony in support of this measure from the Hawaii Community Development Authority, Office of Planning, Building Industry Association Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Chamber of Commerce Hawaii, and one member of the City Council of the City and County of Honolulu. Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committees find that the lack of coordination and financing of infrastructure improvements, including public facilities, in planned growth areas is a major impediment to realizing the potential of transit-oriented development in meeting housing demands and creating vibrant and sustainable mixed-use communities. Your Committees believe that the State must take a proactive role in investing in critical infrastructure necessary to overcome barriers to transit-oriented development. This measure is a strategic investment of state funds to construct and deliver necessary infrastructure improvements in support of transit-oriented development projects in the State.

Your Committees note that this measure is not intended to limit the use of transit-oriented development infrastructure improvement zones by government users, nor will this project be limited to the City and County of Honolulu.

Your Committees have amended this measure by:

- (1) Deleting the provision that statutorily established the transit-oriented development infrastructure improvement zone program with HCDA's district-wide improvement program and instead inserting the language into a new section in chapter 206E, Hawaii Revised Statutes:
- Requiring HCDA to determine, in consultation with the appropriate county, appropriate mechanisms to be used to pay for the cost of the state infrastructure investment;
- (3) Deleting the requirement of a transit-oriented development infrastructure improvement zone being located within a one-half mile radius around a proposed or existing fixed transit station;
- (4) Deleting the provision that would have required HCDA to establish a transit-oriented development infrastructure zone that includes the Aloha Stadium transit station and also deleting the provisions that would have required the infrastructure study and all of the requirements of the study, including the reporting requirement;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that although the appropriation amount is blank, the Hawaii Community Development Authority requests one full-time equivalent position at \$60,000 for the second half of fiscal year 2019-2020, and \$120,000 for fiscal year 2020-2021 to manage the transit-oriented development infrastructure improvement zone program, plus an additional \$50,000 for annual operating costs.

As affirmed by the records of votes of the members of your Committees on Housing and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1389, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1389, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

### SCRep. 377 (Joint) Housing and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 362

The purpose and intent of this measure is to prohibit any law, ordinance, or rule from imposing an inclusionary zoning requirement on housing offered exclusively for sale in perpetuity to buyers who are residents of the State, are owner-occupants, and do not own any other real property.

Your Committees received testimony in support of this measure from the Building Industry Association Hawaii. Your Committees received testimony in opposition to this measure from Hawaiian Community Assets.

Your Committees find that the State is experiencing a severe shortage of affordable housing. Reports have shown that the State would need at least 44,000 new housing units to solve the shortage. However, there has been a lack of measureable progress at the county level to enact policies that will stimulate housing production to meet this project demand. Your Committees believe that this measure incentivizes the production of housing units at all price points and encourages more developers to build affordable housing in the State for residents.

Your Committees note the concerns raised regarding the enforcement of this measure and will continue to work with the counties to address these concerns.

As affirmed by the records of votes of the members of your Committees on Housing and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 362 and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 3; Ayes with Reservations (Moriwaki). Noes, none. Excused, 2 (Thielen, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

## SCRep. 378 Commerce, Consumer Protection, and Health on S.B. No. 334

The purpose and intent of this measure is to codify the administrative definition of "assistance animal" and clarify what constitutes acceptable verification when establishing the need for an assistance animal.

Your Committee received testimony in support of this measure from the Aloha State Association of the Deaf, Hawaii Dog Psychology Center, and two individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Civil Rights Commission; Community Associations Institute, Legislative Action Committee; Associa; and three individuals. Your Committee received comments on this measure from the Disability and Communication Access Board and one individual.

Your Committee finds that service animals and assistance animals serve distinct disability-related needs. Despite the separation between service animals and assistance animals, your Committee finds that the 2017 state law prohibiting misrepresentation of service animals has resulted in confusion over acceptable verification of a disability-related need for an assistance animal.

Your Committee further finds that under the federal Fair Housing Act, the United States Department of Housing and Urban Development (HUD) funds state and local agencies that administer fair housing laws that HUD has determined to be substantially equivalent to the Fair Housing Act. According to testimony from the Hawaii Civil Rights Commission, Hawaii's fair housing law has been certified by HUD to be substantially equivalent. However, statutory changes that affect rights, such as the in-person evaluation verification requirement proposed by this measure, could jeopardize HUD certification of Hawaii's fair housing law and HUD's

cooperative agreement with the Hawaii Civil Rights Commission. Your Committee understands these concerns and concludes that amendments to address these concerns, as well as other concerns raised in testimony, are needed.

Your Committee has amended this measure by:

- (1) Amending the definition of "assistance animal" to remove the term "therapy animal";
- (2) Clarifying the verification that may be requested by a housing provider by:
  - (A) Removing the requirement that the verification be provided in person, for consistency with federal guidelines; and
  - (B) Specifying that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 334, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 334, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Ruderman). Noes, none. Excused, none.

## SCRep. 379 Commerce, Consumer Protection, and Health on S.B. No. 527

The purpose and intent of this measure is to authorize and regulate the manufacturing and sale of edible cannabis products, including:

- (1) Establishing standards, including regulations and education protocols, for edible cannabis products;
- Requiring cannabis and manufactured cannabis products to include a universal symbol developed by the Department of Health; and
- (3) Requiring the Department of Health to implement a cannabis product recall system.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and Hawaiʻi Educational Association for Licensed Therapeutic Healthcare. Your Committee received testimony in opposition to this measure from the Department of Transportation, Department of Health, and Honolulu County Republican Party. Your Committee received comments on this measure from the Hawaii Family Forum and one individual.

Your Committee finds that studies have shown the benefits of using medical cannabis to alleviate certain serious illnesses. Edible cannabis products can be an important alternative for medical cannabis patients who cannot tolerate other forms of cannabis ingestion. Your Committee further finds that several states currently permit the sale of edible cannabis products for medical use, although these states generally place restrictions on edible cannabis products.

Your Committee notes that in 2018, the Department of Health convened the Medical Cannabis Outstanding Issues Working Group, pursuant to Act 116, Session Laws of Hawaii 2018. The working group was tasked with making recommendations regarding the authorization and regulation of the manufacture and dispensing of edible cannabis products by licensed medical cannabis dispensaries. This measure incorporates all of the recommendations of the working group intended to enhance product safety, including setting standards for the manufacturing of edible cannabis products, requiring the use of a universal symbol, and implementation of a product recall system.

However, your Committee has heard the concerns raised in testimony regarding the legalization of manufactured cannabis products proposed by this measure. According to testimony from the Department of Health, edible cannabis products are responsible for the majority of cannabis intoxications, with children most likely to be affected. Edible cannabis products may be indistinguishable from cannabis-free counterparts and are meant to be palatable, which increases the risk of overdosing. Users may not realize the delayed effects of ingested cannabis, which may lead to overconsumption of edibles.

Your Committee appreciates these concerns and concludes that further discussions are needed regarding edible cannabis products. Convening a working group will be an effective way to continue discussions about the concerns raised in testimony.

Accordingly, your Committee has amended this measure by:

- Requiring the Department of Health to convene a working group to propose standards, regulations, protocols, and recommendations for legislation regarding edible medical cannabis products, including the development of a universal symbol and quality control procedures that emphasize a recall system for retail products;
- (2) Specifying the composition of the working group;
- (3) Requiring the working group to submit a report to the Legislature prior to the convening of the Regular Session of 2020;
- (4) Removing language that would have authorized the manufacturing and sale of medical cannabis products; required the Department of Health to develop a universal symbol to be displayed on all cannabis and manufactured cannabis products; and required the Department of Health to implement a cannabis product recall system;
- (5) Updating its purpose section; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 527, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 527, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 380 Commerce, Consumer Protection, and Health on S.B. No. 638

The purpose and intent of this measure is to:

- (1) Add the unlicensed sale of liquor as an offense for which property is subject to forfeiture and increase the grade of the offense to a class C felony;
- (2) Provide an affirmative defense; and
- (3) Amend definitions of "organized crime" and "racketeering activity" to include the unlicensed sale of liquor.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Honolulu Police Department; Department of Liquor Control, County of Kaua'i; Liquor Commission, City and County of Honolulu; and one member of the City Council, City and County of Honolulu.

Your Committee finds that unlicensed liquor sales encourage under-aged consumption of liquor and provide an attractive venue for the distribution of other illegal substances and engagement in other illegal activity. Further negative impacts to communities include the accompanying noise, disruptive behavior, nuisance complaints, and other acts of violence and destruction resulting from unlicensed liquor sales. Considering the many dangers associated with liquor consumption, all liquor sales and manufacturing should be licensed and carefully monitored.

Your Committee additionally finds that the current classification of unlicensed manufacture or sale of liquor as a misdemeanor does little to deter this activity and provides little in the way of investigative tools available to police to combat this activity. This measure raises the offense of unlicensed sale of liquor from a misdemeanor to a class C felony to better reflect the seriousness of the offense and significantly strengthen the manner in which these offenses are addressed by law enforcement and in the courts.

Your Committee has amended this measure by:

- (1) Removing as unnecessary the affirmative defense for the unlicensed sale of liquor;
- (2) Adding the unlicensed manufacture of liquor to the list of offenses eligible for civil asset forfeiture; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 638, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 638, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

# SCRep. 381 Commerce, Consumer Protection, and Health on S.B. No. 807

The purpose and intent of this measure is to:

- (1) Exempt health care providers from the requirement to consult the electronic prescription accountability system, commonly known as the prescription drug monitoring program or PDMP, when a patient is in an inpatient or hospital setting or in hospice care; and
- (2) Clarify that an informed consent agreement is not required for patients who lack capacity and are administered controlled substances under the supervision of a licensed health care provider.

Your Committee received testimony in support of this measure from the Department of Health, Department of Public Safety, Hawaii Health Systems Corporation, Healthcare Association of Hawaii, Hawaii Medical Association, Kaiser Permanente Hawaii, Hawaii Pacific Health, The Queen's Health Systems, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that the PDMP and informed consent for opioid therapy patients are useful tools to reduce the risk of abuse of or addiction to a controlled substance and prevent unintended drug interactions. However, as prescribers have begun implementing this law, some concerns have been raised about the applicability of the law to certain patient populations. Your Committee notes that in certain settings, such as in an in-patient or hospice setting when a patient is under direct supervision, the need to consult the PDMP is lessened, as compared to situations where a patient is prescribed a controlled substance in an unsupervised or outpatient setting. The need for an informed consent agreement is also reduced when a prescription is directly administered under supervision.

Your Committee further finds that clarifying PDMP and opioid informed consent requirements for inpatient, post-operative, incapacitated, hospice, and palliative care patients will create consistency for providers without compromising the effectiveness of the PDMP and opioid informed consent laws.

Your Committee has amended this measure by:

(1) Clarifying that the PDMP does not need to be consulted:

- (A) For a patient who is directly administered a drug under the supervision of a licensed health care provider; provided that the PDMP is consulted when the patient is initially admitted for inpatient care at a hospital;
- (B) When a patient is in post-operative care; provided that the prescription is limited to a three-day supply;
- (C) When a patient has a terminal disease and is receiving hospice or other palliative care; and
- (D) When a prescription is prescribed while the PDMP is nonfunctional; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 807, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 807, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 7. Noes, none. Excused, none.

#### SCRep. 382 Commerce, Consumer Protection, and Health on S.B. No. 1006

The purpose and intent of this measure is to:

- (1) Include certain spirits-based beverages in the definition of "cooler beverage"; and
- (2) Repeal the definition of "draft beer" to apply the same tax rate to all beer.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild; Maui Brewing Co.; Honolulu BeerWorks; Lanikai Brewing Company; Beer Lab Hawaii; Kaua'i Island Brewing Company, LLC; Kauai Beer Company; Waikiki Brewing Company; and REAL a gastropub/Bent Tail Brewing Company. Your Committee received testimony in opposition to this measure from the Hawai'i Alcohol Policy Alliance and eight individuals. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that a cooler beverage is a mixed beverage containing primarily juice, water, or soda, with only a portion of liquor. There are several companies from the mainland exporting small volumes of cocktails and cooler beverages in cans or bottles to Hawaii. More individuals are showing an interest in developing distillery businesses if the economics were favorable, but Hawaii's existing tax laws create a significant disadvantage. This measure creates the category of "cooler beverage" for spirits, resulting in a tax on only the amount of the distilled spirit in the beverage. This measure also encourages local production and manufacturing and creates a new category of products for consumers, resulting in increased tax revenue.

Your Committee further finds that Hawaii's existing liquor tax law has two separate rates for beer, which is the only beverage with this disparity. The current definition of "draft beer" means beer in an individual container of seven gallons or more, referring to the size of the container from which the beer is dispensed. "Draft beer" is currently taxed at fifty-four cents per gallon, while "beer" is taxed at ninety-three cents per gallon. Some breweries, especially smaller craft breweries and those just starting their businesses, typically serve draft beer from two- to five-gallon kegs, meaning they are taxed at the higher rate. Hawaii is ranked in the top five in the United States for beer tax rates. Because of Hawaii's higher costs for shipping, raw materials, and equipment acquisition, local businesses are disadvantaged and struggle to compete with mainland companies. This measure repeals the definition of "draft beer" and creates a uniform tax rate for all beer at fifty-four cents per gallon.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2020; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1006, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1006, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

## SCRep. 383 Transportation on S.B. No. 1344

The purpose and intent of this measure is to prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations. This measure does not affect driver's license suspensions related to excessive speeding or lack of motor vehicle insurance.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that existing law allows for the imposition of restrictions on an individual's ability to obtain or renew a driver's license or motor vehicle registration as a penalty for various unpaid monetary obligations that are civil and not criminal in nature. The most concerning reason for these punitive restrictions is the failure of an individual to pay the fines and fees assessed in connection with non-parking related traffic tickets within thirty days. Your Committee finds that the American Bar Association recently adopted guidelines on preventing fines and fees that penalize poverty. These guidelines instruct against driver's license suspensions and the imposition of fines. This measure will address the issue of currently penalizing poverty by prohibiting the imposition of restriction on a person's ability to obtain a driver's license due to unpaid monetary obligations.

Your Committee notes the concern of the Attorney General in regard to a potential conflict with federal law by repealing the Child Support Enforcement Agency's statutory authority to restrict the use of driver's license for enforcement purposes.

Accordingly, your Committee has amended this measure by:

- (1) Reinstating the provisions allowing the Child Support Enforcement Agency to certify that an individual is not in compliance with an order of support or has failed to comply with a subpoena or warrant relating to paternity or child support proceedings, thereby restricting the use of a driver's license and making conforming amendments throughout;
- (2) Deleting language that would have required the Attorney General to work with the counties to identify persons affected by the restrictions imposed by the Child Support Enforcement chapter of the Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1344, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1344, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

#### SCRep. 384 Transportation on S.B. No. 1517

The purpose and intent of this measure is to appropriate funds to the Department of Transportation to widen Kuakini Highway, between Lako Street and Kamehameha III Road on the island of Hawaii.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of the Mayor of the County of Hawai'i, and one member of the Hawai'i County Council.

Your Committee finds that the island of Hawaii is experiencing a growth in population and as an effect, an increase in difficulties generated by a significant growth in traffic. One major area of traffic congestion is Kuakini Highway. Your Committee finds that the widening of Kuakini Highway is needed not only to provide additional safety measures, but also to update the road to provide greater efficiency and to ease the amount of traffic.

Your Committee has amended this measure by inserting an appropriation amount of \$30,000,000.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1517, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1517, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

## SCRep. 385 Transportation on S.B. No. 1279

The purpose and intent of this measure is to amend the mandatory inscription on civil identification cards.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that the inscription on the Hawaii state identification card was erroneously produced to include "Hawaii Identification Card", rather than "State of Hawaii Identification Card", as required by statute. Your Committee further finds that there are numerous residents who are already carrying the cards made in error, and requiring the residents to go to the issuing county office for a corrected card would cause a great deal of inconvenience. This measure would address the error in printing by amending the existing law to say "Hawaii Identification Card".

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1279, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1279, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 386 Transportation on S.B. No. 1122

The purpose and intent of this measure is to appropriate funds for traffic signal capital improvement projects at four specific intersections with no traffic signals in the Nuuanu area of the Pali Highway.

Your Committee received testimony in support of this measure from the Department of Transportation, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals.

Your Committee finds that pedestrian safety is a growing concern in Hawaii. In 2018, 43 pedestrians were killed in automobile accidents statewide, an increase from 28 pedestrians killed in 2017. According to the Insurance Institute of Highway Safety Loss Data Institute, 40 percent of all accidents involving pedestrians occur at a crosswalk with no traffic signal. Your Committee further finds that installing traffic signals that give pedestrians exclusive access to intersections reduces pedestrian accidents at intersections by half. This measure will ensure the safety of pedestrians in the Nuuanu area of the Pali Highway, by installing pedestrian-activated signalized crosswalks at four potentially dangerous crosswalks.

Your Committee has amended this measure by amending the authorized use of the sum appropriated to allow the funds to also be used for other related pedestrian improvements in the Nuuanu area.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1122, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1122, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

#### SCRep. 387 Transportation on S.B. No. 1277

The purpose and intent of this measure is to amend the law relating to registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an outstanding federal out-of-service order.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that the Department of Transportation's Motor Carrier Safety Assistance Program (MCSAP) is funded through a federal grant from the Federal Motor Carrier Safety Administration. Eligible activities of the MCSAP include commercial motor vehicle inspections and compliance reviews. The Performance Registration Information Systems Management (PRISM) is a federal program that identifies motor carriers that are under a federal out-of-service order because those motor carriers have not corrected safety deficiencies found in compliance review inspections. The Fixing America's Surface Transportation Act was passed in December of 2015, and made PRISM mandatory for all states as a condition of receiving MCSAP grant funding. This measure will allow the State to qualify under PRISM, and thus continue to receive MCSAP funding.

Your Committee has amended this measure by:

- (1) Inserting a definition for "out-of-service order" as provided by the Department of Transportation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1277, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1277, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

### SCRep. 388 Transportation on S.B. No. 665

The purpose and intent of this measure is to define electric foot scooter and clarify that laws relating to bicycles in general also apply to electric foot scooters.

Your Committee received testimony in support of this measure from the Department of Transportation, Lime, and one individual.

Your Committee finds that the types of motorized vehicles that are being introduced in the market are very forward thinking and constantly being changed based on technology and ease of widespread adoption. Your Committee further finds that electric foot scooters are gaining popularity in the State, due to their convenience and positive impact on the environment. Your Committee believes that as new electric motorized vehicles, such as electric foot scooters, are introduced into the State, there should exist fair and just regulation of the vehicles to ensure the safety and viability for all.

Your Committee notes the concern of the Department of Transportation in regard to the potential negative impact on the safety for scooter riders, bicyclists, and pedestrians.

Accordingly, your Committee has amended this measure by requiring an operator of an electric foot scooter to be at least fourteen years of age.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 665, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 665, S.D. 1, and be referred to your Committees on Judiciary and Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 389 Transportation on S.B. No. 1161

The purpose and intent of this measure is to:

- (1) Establish rules, regulations, and permitting procedures for transportation network companies operating in the State; and
- (2) Make permanent insurance requirements for transportation network companies and transportation network drivers.

Your Committee received testimony in support of this measure from the Department of Transportation; Uber Technologies, Inc.; and Lyft. Your Committee received comments on this measure from the Office of Information Practices, City and County of Honolulu Department of Customer Services, and Hawaii Insurers Council.

Your Committee finds that transportation network companies are entities that use a digital network or software application service to connect passengers with transportation network company drivers. Transportation network companies have gained an immense amount of popularity due to their convenience for the residents of the State. This service is being utilized by numerous individuals, both as

customers and as drivers. Your Committee further finds that statewide regulation of transportation network companies is needed to ensure the safety, reliability, and cost-effectiveness of rides provided by transportation network company drivers, as well as to preserve and enhance access to important transportation options for residents and visitors of the State.

Your Committee has amended this measure by:

- (1) Inserting a blank annual permit fee that the Director of Transportation is required to collect from an eligible transportation network company prior to the issuance of a permit;
- (2) Deleting language requiring transportation network companies to maintain certain records for three years and rather allow the current requirement of retention for five years to apply;
- (3) Clarifying language requiring the Department of Transportation to inspect and keep confidential certain records solely for the purpose of verifying that a transportation network company is in full compliance; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1161, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1161, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 4; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (English).

#### SCRep. 390 Commerce, Consumer Protection, and Health on S.B. No. 104

The purpose and intent of this measure is to appropriate funds to support the Department of Health's lead poisoning prevention activities.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that lead exposure remains a widespread environmental hazard for children in Hawaii and can lead to increased risk of brain and nervous system damage, slowed growth and development, and learning, behavioral, hearing, and speech problems. While the Department of Health is working on childhood lead exposure reduction using federal funding, that funding ends in 2020 and can only be used for limited activities. This measure enables the Department of Health to continue its lead exposure abatement activities and helps ensure the health and development of children in Hawaii.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 104 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

# SCRep. 391 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 1036

The purpose and intent of this measure is to clarify that clinical victim support services for victims of sexual violence and abuse are a mental outpatient services benefit required to be covered under health insurance policies offered by health insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations.

Your Committees received testimony in support of this measure from Hawai'i State Commission on the Status of Women, Hawai'i Psychological Association, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, American Association of University Women of Hawaii, Save Medicaid Hawaii, The Sex Abuse Treatment Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Midwives Alliance of Hawaii, Healthy Mothers Healthy Babies Coalition of Hawaii, Hawaii Women's Coalition, and eight individuals. Your Committees received testimony in opposition to this measure from the Hawaii Medical Services Association. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that the federal Centers for Disease Control and Prevention estimate that 43.9 percent of women and 23.4 percent of men have experienced forms of sexual violence other than rape within their lifetime. Victims of sexual violence and abuse experience long lasting emotional and psychological effects; thirty-five to sixty-five percent of people experiencing sexual assault during adulthood are diagnosed with post-traumatic stress disorder. Furthermore, depressive orders, substance abuse disorders, and suicidal behaviors occur in this population at rates far exceeding the general population. Case management by mental health providers is recognized as a best practice that is medically necessary for some survivors to recover and heal.

However, health insurers have historically chosen not to provide coverage for appropriate clinical victim support services. Too often insurers piecemeal various treatments and services that a survivor needs following a traumatic assault, meaning survivors are required to explain their assault to strangers over and over again, becoming another source of trauma. This measure requires health insurers to cover clinical victim support services for sexual violence survivors when performed by their qualified mental health care provider, with whom they have an established patient relationship, in order to provide more comprehensive case management and to assist in recovery.

Finally, your Committees note that clinical victim support services are a medically necessary type of mental health outpatient services delivered in the normal course of planned treatment. As clinical victim support services fall within the existing definition of "mental health outpatient services", coverage for these types of services should already have been a covered benefit under existing law.

This measure protects this current best practice by clarifying that an existing covered benefits category -- mental health outpatient services -- includes clinical victim support services.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1036 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

# SCRep. 392 Technology on S.B. No. 253

The purpose and intent of this measure is to ensure that the Internet remains free and open in the State by:

- Requiring providers of broadband internet access services to be transparent with network management practices, performance, and commercial terms of their broadband internet access services; and
- (2) Prohibiting providers of broadband internet access services from:
  - (A) Blocking lawful websites;
  - (B) Impairing or degrading lawful internet traffic;
  - (C) Engaging in paid prioritization; or
  - (D) Unreasonably interfering with or unreasonably disadvantaging users of broadband internet access services.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received testimony in opposition to this measure from Charter Communications/Spectrum and CTIA. Your Committee received comments on this measure from the Department of the Attorney General and Hawaiian Telcom.

Your Committee finds that the recent Federal Communications Commission's ruling to repeal net neutrality deregulates the internet service industry, jeopardizing the future of access to websites and information, and creating an environment that could allow internet service providers the opportunity to limit or prioritize certain access to information at their discretion.

Your Committee has heard the concerns of the Department of the Attorney General and others that enactment of this measure may lead to litigation. In light of these and other concerns, your Committee has amended this measure by deleting its contents and inserting language to codify, within the Hawaii Public Procurement Code, the substantive provisions of Executive Order No. 18-02, which:

- (1) Directs all state agencies to contract internet-related services only with internet service providers who demonstrate and contractually agree to support and practice net neutrality principles where all internet traffic is treated equally;
- (2) Directs all state agencies, including the Department of Accounting and General Services and the State Procurement Office, as the lead procurement agency, to add contract language and provisions to state procurement requirements that suppliers of telecommunications, internet, broadband, and data communication services shall abide by net neutrality principles; and
- (3) Defines "net neutrality principles".

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 253, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

# SCRep. 393 Technology on S.B. No. 1001

The purpose and intent of this measure is to establish within the Office of Enterprise Technology Services a Chief Data Officer and data task force to develop, implement, and manage statewide data policies, procedures, and standards.

Your Committee received testimony in support of this measure from the Department of Education, Office of Enterprise Technology Services, Office of Information Practices, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Transform Hawai'i Government, Civil Beat Law Center for the Public Interest, Ulupono Initiative, and two individuals.

Your Committee finds that data held by state agencies must be readily available to other state agencies, unless expressly prohibited by law or applicable regulatory requirement, with minimal administrative obstacles to enable effective, efficient, and transparent delivery of information resources and services. Your Committee further finds that it is equally vital that agencies make reasonable efforts to make data accessible to the public, because such data can inform public policy, stimulate innovation, encourage public engagement, and enhance transparency within the State.

Your Committee has amended this measure by:

- (1) Removing the member of the House of Representatives and member of the Senate from the membership of the task force;
- (2) Requiring the task force membership to include two members of the public representing stakeholders with experience in data, rather than two members representing non-profit stakeholders and two members representing for-profit stakeholders;

- (3) Designating the Director of the Office of Information Practices or the Director's designee as an ex officio, nonvoting member of the task force who is not counted toward quorum; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1001, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1001, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 394 Water and Land on S.B. No. 1136

The purpose and intent of this measure is to prohibit scuba spearfishing at night, except through a permit.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Reef and Ocean Coalition, Animal Rights Hawai'i, Friends of Hanauma Bay, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Center for Biological Diversity, and ten individuals. Your Committee received testimony in opposition to this measure from Coral Fish Hawaii and three individuals.

Your Committee finds that night scuba spearfishing could potentially deplete the ocean of aquatic life, which is necessary for the preservation of Hawaii's ocean environment and coral reefs. Many reef fish species, particularly herbivores such as parrotfish and surgeonfish, sleep in crevices in the reef at night. While enough of these fish can effectively evade spearfishers during the day, they are easy targets at night and are therefore susceptible to over-harvest, particularly with the use of scuba. This measure seeks to protect the State's environment, aquatic species, and fishing stocks for present and future generations.

Your Committee has amended this measure by:

- Statutorily placing the prohibition on nighttime scuba spearfishing, except through a permit, in a new section in chapter 188, Hawaii Revised Statutes, rather than in section 188-23, Hawaii Revised Statutes;
- (2) Authorizing the Department of Land and Natural Resources to issue and revoke permits for nighttime scuba spearfishing;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1136, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1136, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

# SCRep. 395 Water and Land on S.B. No. 1371

The purpose and intent of this measure is to prohibit the use of lay nets to take aquatic life, except under a permit obtained from the Department of Land and Natural Resources, and establish the use of lay nets to take aquatic life without a permit as a misdemeanor offense with a mandatory minimum period of imprisonment of one day.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Animal Rights Hawai'i, Center for Biological Diversity, Hawaii Marine Animal Response, Coral Fish Hawaii, and eleven individuals. Your Committee received testimony in opposition to this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and two individuals. Your Committee received comments on this measure from Office of Hawaiian Affairs and one individual.

Your Committee finds that although lay nets are not currently regulated under the Hawaii Revised Statutes, the Division of Aquatic Resources does enforce Hawaii Administrative Rules governing lay nets, including net registration and marking, limits on dimensions, and time and location restrictions. This measure would allow for permit holders to continue using lay nets as regulated by the Department of Land and Natural Resources, while establishing strong penalties for violators.

Your Committee has amended this measure by:

- (1) Inserting language to exempt native Hawaiian traditional and customary practices from the lay net prohibition and permit requirements;
- (2) Amending the penalty for the misdemeanor offense of using a lay net to take aquatic life without a permit a mandatory minimum period of imprisonment of one day or, for a first offense, a minimum fine of \$1,000;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1371, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1371, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

# SCRep. 396 (Joint) Public Safety, Intergovernmental, and Military Affairs and Labor, Culture and the Arts on S.B. No. 149

The purpose and intent of this measure is to:

- (1) Authorize the State Fire Council to employ additional staff, contract with any county fire department to fulfill staff positions, and purchase office equipment and supplies; and
- (2) Repeal the requirement that the State Fire Council Administrator and other staff be employed on a full-time basis.

Your Committees received testimony in support of this measure from the Hawaii State Fire Council, Hawaii Fire Department of the County of Hawaii, Honolulu Fire Department, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Kauaii Fire Department, and Maui Fire Department.

Your Committees find that the State Fire Council is composed of the four county fire chiefs and is responsible for a variety of tasks, including adopting the state fire code, applying for and administering federal grant assistance for fire-related projects, appointing advisory committees to coordinate statewide training, data collection, and contingency planning needs for firefighters; advising the Governor and Legislature with respect to fire protection and life safety; and establishing qualifications for the testing and certification of individuals who perform maintenance and testing of portable fire extinguishers, fire protection and fire alarm systems, and private fire hydrants. This measure provides the State Fire Council with greater flexibility in employing personnel and the authority to expend funds for the purchase of office equipment and supplies.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 149, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 149, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 397 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health on S.B. No. 607

The purpose and intent of this measure is to authorize crime victim compensation for mental health services for surviving relatives in cases involving a deceased victim and for children who witness domestic violence in cases involving abuse of a family or household member.

Your Committees received testimony in support of this measure from the Department of Public Safety, Department of Health, Crime Victim Compensation Commission, Hawai'i Psychological Association, Kapi'olani Sex Abuse Treatment Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Mental Health America of Hawai'i, Hawaii State Coalition Against Domestic Violence, AAUW of Hawaii, and two individuals.

Your Committees find that surviving family members are profoundly impacted by the sometimes violent circumstances under which their loved one died. Often, survivors recall only the painful and violent details of their loved one's death instead of recalling pleasant memories while the victim was alive. Furthermore, witnessing domestic violence has a negative impact on children.

Your Committees further find that mental health counseling will help survivors move past their trauma. Additionally, mental health counseling for children who witness domestic violence is necessary to help them understand and heal from the trauma of what they witnessed and is vital to ensure their normal development.

Your Committees have amended this measure by:

- Clarifying that crime victim compensation is authorized for mental health services for child witnesses of abuse of a family member or household member; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 607, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 607, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

# SCRep. 398 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health on S.B. No. 1293

The purpose and intent of this measure is to ensure that in times of emergencies or natural disasters, the State and electrical utilities in the State are allowed to enter into a mutual assistance agreement with an out of state utility to assist in the restoration of electrical power.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaiian Electric Companies, Land Use Research Foundation of Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one individual. Your Committees received comments on this measure from Hawaiʻi Gas.

Your Committees find that natural disasters and powerful storms are increasing in frequency due to climate change. Your Committees further find that an emergency or natural disaster may cause overwhelming damage to the electrical grid, on which most of Hawaii depends for electricity. Mutual assistance agreements are agreements between public electric and gas utilities that allow utilities in one state to provide assistance to utilities in another state to help restore utilities following emergencies and disasters. Your Committees find that mutual assistance agreements are one important mechanism that the Legislature should adopt because these mutual assistance agreements will help speed up the restoration of utility service to customers across the State.

Your Committees note that all Hawaii-based public utility providers are members of the Western Region Mutual Assistance Agreement and that emergencies and natural disasters may affect the provision of all sources of energy and utility service, not just electrical and non-renewable energy sources. Therefore, your Committees find that amendments to this measure are necessary to authorize the State and all public utilities in the State to enter into mutual assistance agreements with out of state utilities to assist in the restoration of all energy and utility services.

Your Committees have amended this measure by:

- Expanding the permissible entities with which the State may enter into a mutual assistance agreement to include all energy
  providers and utilities and making conforming amendments; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1293, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1293, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

# SCRep. 399 (Joint) Public Safety, Intergovernmental, and Military Affairs and Housing on S.B. No. 740

The purpose and intent of this measure is to require each county to adopt ordinances establishing a minimum housing density of two hundred fifty units per acre on state lands that are within the urban district and zoned for development or redevelopment.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting. Your Committees received comments on this measure from the Building Industry Association of Hawaii.

Your Committees find that not only is there is a lack of available, affordable housing in Hawaii, but there is also a limited amount of space that housing can be developed on the islands. Your Committees further find that setting minimum housing density requirements on parcels in the urban district that are zoned for development or redevelopment is in the best interests of the State.

Your Committees additionally find that a minimum standard of two hundred fifty units per acre can help increase the amount of available, and potentially affordable, housing; provided that some exceptions should be allowed in cases where the developer cannot build that density due to the location or size of certain parcels, or if development at that density is cost-prohibitive.

Your Committees have amended this measure by exempting developers who cannot meet the minimum density requirement of two hundred fifty units per acre due to the location or size of the parcel, or if it is uneconomical to meet this minimum requirement.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 740, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 740, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

Housing: Ayes, 3; Ayes with Reservations (Moriwaki). Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 400 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on S.B. No. 177

The purpose and intent of this measure is to appropriate funds to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Office of the Prosecuting Attorney for Hawaii County.

Your Committees find that a disproportionate number of serious crimes against the public are committed by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals". Your Committees further find that by their nature, career criminal prosecution cases are often labor intensive and require experienced and well-trained deputy prosecutors. This measure appropriates funds to staff the career criminal prosecution unit so that the prosecution of career criminals can be more effectively pursued.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 177 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 401 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on S.B. No. 407

The purpose and intent of this measure is to appropriate funds to the Office of the Prosecuting Attorney for Hawaii County for the career criminal prosecution unit.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Office of the Prosecuting Attorney for Hawaii County, and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committees find that a disproportionate number of serious crimes against the public are committed by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals". Your Committees further find that by their nature, career criminal prosecution cases are often labor intensive and require experienced and well-trained deputy prosecutors. This measure appropriates funds to staff the career criminal prosecution unit so that the prosecution of career criminals can be more effectively pursued.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 407 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 402 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 529

The purpose and intent of this measure is to establish within the Department of Human Services and Department of Health a two-year pilot project authorizing each department to contract the services of a dedicated capture manager responsible for securing grants and other funding opportunities.

Your Committees received testimony in support of this measure from the Hawai'i Primary Care Association. Your Committees received comments on this measure from the Department of Human Services and Department of Health.

Your Committees find that there are many opportunities for securing grants from both public and private sources that could be used to support the health and well-being of individuals, families, and communities in the State. However, your Committees acknowledge that applying for grants can be time-consuming and complex and that failure to accurately interpret the details of grant requirements may lead to problematic compliance issues, all of which can result in the diversion of valuable department resources. This measure authorizes the Department of Human Services and Department of Health to contract with a dedicated individual responsible for securing grant and other funding opportunities for each department, which will benefit the departments and the recipients they serve.

Your Committees have amended this measure by:

- Authorizing the Department of Health and Department of Human Services to establish one three-year full-time temporary
  exempt position each, who shall be responsible for supporting awarded grants, developing internal capacity, and developing a
  sustainability plan for a grant development program;
- (2) Inserting a blank appropriation to the Department of Health and Department of Human Services for purposes of establishing the full-time temporary exempt position;
- (3) Clarifying that the appropriations included in this measure shall not lapse at the fiscal biennium but that all unencumbered monies shall lapse as of June 30, 2022;
- (4) Extending the measure's repeal date from June 30, 2021, to June 30, 2022, to accommodate the three-year full time temporary exempt position; and
- (5) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 529, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 529, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

### SCRep. 403 (Joint) Education and Transportation on S.B. No. 939

The purpose and intent of this measure is to require student transportation costs for charter school students to be included in the Department of Budget and Finance's annual budget request rather than including it in the per-pupil funding amount.

Your Committees received testimony in support of this measure from the State Public Charter School Commission, Hawaii State Teachers Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that half of the approximately thirty-six operating charter schools provide student transportation services at various levels, including pick-up to and from school and transportation to outdoor learning experiences and laboratories. Although charter schools receive per-pupil funding to cover various educational costs, charter schools are additionally required to fund student transportation, which results in less funding available for school resources. This measure assists charter schools by providing much needed assistance to ensure that students have access to educational opportunities.

Your Committees have amended this measure by specifying that the State Public Charter School Commission shall determine the qualifications for school transportation and any fee or payment for students.

As affirmed by the records of votes of the members of your Committees on Education and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 939, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 939, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

Transportation: Ayes, 4; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (English).

# SCRep. 404 Water and Land on S.B. No. 554

The purpose and intent of this measure is to:

- Add a minimum penalty of \$50 per violation of the state water code and make each day that a violation exists or continues a separate offense; and
- (2) Require the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the state water code's penalties and fines must be strengthened to deter violators. This measure ensures that all violators of the state water code are held accountable by creating a minimum penalty of \$50 for every violation.

Your Committee has amended this measure by:

- (1) Clarifying what actions qualify as state water code violations and subject a person to penalties;
- (2) Deleting provisions relating to determination of the earliest known date of a violation;
- (3) Deleting language that would have required the Commission on Water Resources Management to consider the violator's ability to pay when determining the penalty amount;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 554, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 554, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

# SCRep. 405 (Joint) Agriculture and Environment and Judiciary on S.B. No. 754

The purpose and intent of this measure is to enact produce safety rules to authorize state Department of Agriculture inspectors to inspect and regulate farms producing food in the State to increase food safety.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that the federal Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption establishes produce safety rules to allow for inspection and regulation of farms producing food for consumers. These produce safety rules include inspecting food on farms, which are also known as on-farm audits.

Your Committees further find that the State needs to implement certain provisions of these federal safety standards and that the Department of Agriculture should be the state agency to implement these federal standards, including on-farm audits.

Your Committees have amended this measure by:

- Authorizing, rather than requiring, the Board of Agriculture to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to carry out this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 754, as amended herein, and recommend

that it pass Second Reading in the form attached hereto as S.B. No. 754, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 406 (Joint) Agriculture and Environment and Technology on S.B. No. 1436

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to conduct a study on the feasibility of authorizing the Department to establish and designate ag-tech zones within the City and County of Honolulu, specifically the Kalihi-Palama, Kaka'ako, Moanalua, and Waianae coast areas; and
- (2) Appropriate funds for the feasibility study.

Your Committees received testimony in support of this measure from the University of Hawaii College of Tropical Agriculture and Human Resources, Hawai'i Center for Food Safety, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, MetroGrow Hawaii, Hawaii Farmers Union, and three individuals. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that agricultural technology, or ag-tech, is the application of techniques to control the growth and harvesting of vegetable products. Ag-tech includes but is not limited to the use of robotics, indoor farming techniques, and vertical farming. Your Committees further find that farming in a closed and controlled environment to grow produce in vertically stacked layers reduces the need for space, pesticides, and water to grow food.

Your Committees additionally find that the State must explore more effective and environmentally responsible ways to increase food production to feed its residents. Ag-tech should be at the forefront of the effort to revitalize the agricultural sector of the State and develop that industry's potential to be a major contributor to state revenue.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$50,000 for each fiscal year; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1436, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1436, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

# SCRep. 407 Labor, Culture and the Arts on S.B. No. 791

The purpose and intent of this measure is to allow hearsay evidence to be admitted and considered in unfair labor practices proceedings.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board.

Your Committee finds that the Hawaii Labor Relations Board hears cases involving unfair labor practices. Under the existing law, the Hawaii Labor Relations Board is not allowed to consider hearsay evidence in unfair labor practices proceedings. Your Committee also finds that although there are concerns that hearsay evidence, if allowed, could lead to less than reliable evidence being considered, the Hawaii Labor Relations Board is able to consider all the evidence presented in its deliberation and assign the evidence the proper weight. This measure will provide the Hawaii Labor Relations Board with that opportunity and allow it to consider all of the evidence in its decision-making process.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 791 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 408 Labor, Culture and the Arts on S.B. No. 1118

The purpose and intent of this measure is to:

- (1) Authorize the Employees' Retirement System to recover overpaid benefit payments;
- (2) Require the Employees' Retirement System to adopt rules to effectuate the maximum recovery of overpayments; and
- (3) Allow the Board of Trustees or the Executive Director of the Employees' Retirement System to waive the recovery of an overpayment in cases of bona fide hardship or where the costs of recovery would exceed the amount expected to be recovered.

Your Committee received comments on this measure from the Employees' Retirement System.

Your Committee finds that existing law is not clear regarding the Employees' Retirement System's ability to recover overpaid benefit payments. This measure will strengthen the Employees' Retirement System's ability to recover overpaid benefit payments by declaring overpayments to be debts due and owing to the Employees' Retirement System and clarifying that overpayments are legally collectable. This measure will facilitate rulemaking for maximum recovery, the filing of legal collection actions and liens against real property of overpaid recipients, and the filing of claims against the estate of deceased recipients.

Your Committee has amended this measure by:

- (1) Inserting language proposed by the Employees' Retirement System to clarify that in addition to the remedies prescribed elsewhere in chapter 88, Hawaii Revised Statutes, for the recovery of benefits, recovery of an overpayment shall be made in accordance with applicable state law as well as federal regulations;
- Inserting language proposed by the Employees' Retirement System to clarify that the Employees' Retirement System need only adopt rules pursuant to chapter 91, Hawaii Revised Statutes, as may be necessary to effectuate the maximum recovery of retirement benefit overpayments;
- (3) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1118, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1118, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# Labor, Culture and the Arts on S.B. No. 1233

The purpose and intent of this measure is to allow participants in the state deferred compensation plan to make pre-tax and post-tax contributions.

Your Committee received testimony in support of this measure from the Department of Human Resources Development.

Your Committee finds that on January 1, 2011, the federal Small Business Jobs Act of 2010 took effect, which expanded the availability of Roth contribution provisions to deferred government compensation plans under section 457(b) of the Internal Revenue Code. Your Committee further finds that while federal law permits Roth contributions to deferred compensation plans, such contributions are prohibited under state law in Hawaii. This measure allows participants in a deferred compensation plan under Hawaii law to choose whether their deferred compensation amounts are deferred as a traditional contribution under section 457(b) of the Internal Revenue Code, as a Roth contribution, or divided between the two.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1233, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1233, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 410 Labor, Culture and the Arts on S.B. No. 1475

The purpose and intent of this measure is to require that the foreman classification be recognized in Hawaii's Davis-Bacon Act and the requirements in the collective bargaining agreement be followed when the basic hourly rate is established by a collective bargaining agreement.

Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that under existing law, the foreman classification is not recognized under Hawaii's Davis-Bacon Act. Therefore, a foreman is not covered under a collective bargaining agreement when the agreement establishes the hourly rate. This measure therefore requires that the foreman classification is covered under a collective bargaining agreement, which will provide wage protections for the foreman classification and guarantee a level playing field for foremen when working on a public works project.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Department of Labor and Industrial Relations to add a gender-neutral definition of "foreperson" to section 104-2, Hawaii Revised Statutes;
- (2) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1475, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1475, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 411 Transportation on S.B. No. 412

The purpose and intent of this measure is to:

- (1) Make voter registration automatic upon an application for a new or renewed driver's license, provisional license, instructional permit, or identification card, unless the applicant declines to be registered; and
- (2) Authorize access to and electronic transmission of databases maintained by the counties or Department of Transportation to election officials and the statewide voter registration system.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of Elections; League of Women Voters; LGBT Caucus of the Democratic Party of Hawaii; Sierra Club of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Alliance of Nonprofit Organizations; Hawaii Appleseed Center for Law and Economic Justice; We Are One, Inc.; Young Progressives Demanding Action; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; 'Ai Pohaku; sixty-seven individuals; and a form letter from thirty-seven individuals.

Your Committee finds that voter registration and participation are important components of a healthy democracy and steps should be taken to maximize registration and participation. Your Committee further finds that Hawaii has one of the lowest voter turnout rates in the nation. The State has made efforts to simplify registration procedures by allowing residents to register on the same day as the election. However, despite these efforts, voter participation remains low. Your Committee believes that this measure will eliminate barriers to voting and improve voter turnout by increasing opportunities for residents of Hawaii to register to vote.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 412, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 412, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 412 Transportation on S.B. No. 1091

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Transportation, Highways Division.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Transportation, Highways Division in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Upon recommendation by the Department of Transportation, clarifying certain projects and providing additional capital improvement projects specifically requested by the Department; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1091, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1091, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

# SCRep. 413 (Joint) Transportation and Energy, Economic Development, and Tourism on S.B. No. 653

The purpose and intent of this measure is to require certain new state and county building construction projects to have at least twenty parking stalls that are electric vehicle charger ready.

Your Committees received testimony in support of this measure from the Department of Transportation; ChargePoint, Inc.; Tesla; Hawaiian Electric Company Inc.; Blue Planet Foundation; Ulupono Initiative; Our Revolution Hawaii; 350Hawaii.org; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; and eleven individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Accounting and General Services; and City and County of Honolulu Department of Design and Construction.

Your Committees find that electric vehicles are an important avenue to address Hawaii's pressing climate issues. Your Committees further find that Hawaii is committed to reducing its dependence on fossil fuels, and that encouraging the purchase and use of electric vehicles by providing incentives will achieve this goal. This measure expands charging options for residents who drive electric vehicles and incentivizes the purchase of electric vehicles by others.

Your Committees have amended this measure by:

- Requiring new state and county building construction to dedicate at least twenty percent of its total projected amount of
  parking stalls to be electric vehicle charger ready; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 653, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 653, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 414 (Joint) Transportation and Energy, Economic Development, and Tourism on S.B. No. 996

The purpose and intent of this measure is to:

- (1) Require rental motor vehicle lessors to incorporate zero-emission vehicles into their fleets; and
- (2) Establish a Hawaii zero-emissions vehicle infrastructure special fund and grant program.

Your Committees received testimony in support of this measure from ChargePoint, Inc.; Hawaiian Electric Company Inc.; Blue Planet Foundation; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; Our Revolution Hawaii; 350Hawaii.org; and one individual. Your Committees received testimony in opposition to this measure from the Department of Transportation and Enterprise Holdings. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that climate change caused by greenhouse gas emissions from burning fossil fuels poses a serious threat to the economic well-being, public health, natural resources, and environment of Hawaii. Your Committees further find that the predominance of the rental car market in Hawaii makes it a key sector to target for emissions reductions in order for Hawaii to be carbon free by 2045. Your Committees also find that the volume and model types of battery electric vehicles coming into the market are expected to dramatically increase in the next five to seven years. This measure will move Hawaii toward being a carbon-free state by requiring lessors of motor vehicles to incorporate zero-emission vehicles into their fleet.

Your Committees have amended this measure by extending the dates of when lessors of rental motor vehicles shall be required to incorporate zero-emission vehicles into their fleets.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 996, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 996, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

# SCRep. 415 (Joint) Transportation and Energy, Economic Development, and Tourism on S.B. No. 657

The purpose and intent of this measure is to extend the repeal date of Act 168, Regular Session of 2012, from June 30, 2020, to June 30, 2030.

Your Committees received testimony in support of this measure from the Department of Transportation; Ulupono Initiative; ChargePoint, Inc.; Alliance of Automobile Manufacturers; Hawaiian Electric Company Inc.; Blue Planet Foundation; Hawaii Automobile Dealers' Association; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and seventeen individuals. Your Committees received comments on this measure from Tesla.

Your Committees find that providing drivers of electric vehicles with the benefit of free parking at certain public spaces is an incentive to use electric vehicles, thereby reducing consumption of imported fossil fuel. Your Committees further find that electric vehicles are becoming more popular amongst drivers in Hawaii due to financial incentives and the positive impact on the environment. Your Committees also find that while providing incentives to electric vehicles, there needs to be a balance between providing incentives and maintaining equity with those taxpayers who do not drive electric vehicles. As such, your Committees note that Act 168, Session Laws of Hawaii 2012, should be further amended to apply nominal parking fees to electric vehicles in public parking facilities after a certain time period.

Accordingly, your Committees have amended this measure by requiring electric vehicles to pay for parking when parked at a non-metered stall for more than the initial four hours in a public parking facility.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 657, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 657, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4; Ayes with Reservations (Shimabukuro). Noes, none. Excused, 1 (English).

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

### SCRep. 416 (Joint) Agriculture and Environment and Higher Education on S.B. No. 752

The purpose and intent of this measure is to appropriate funds to the University of Hawaii College of Tropical Agriculture and Human Resources for research and prevention of the spread of ornamental ginger pathogens.

Your Committees received testimony in support of this measure from the Department of Agriculture; University of Hawai'i System; Hawai'i Floriculture and Nursery Association; Maui County Farm Bureau; Land Use Research Foundation of Hawaii; Hawaii Crop Improvement Association; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Green Point Nurseries, Inc.; Hawaii Farm Bureau; Hawaii Tropical Flower Council; Hilo Sun Farms; Sweetbreads, LLC; O'ahu Resource Conservation and Development Council; Orchid Growers of Hawai'i; Ho'omana Plantations LLC; and seventy-nine individuals.

Your Committees find that ornamental ginger is a popular plant that is commonly used in tropical landscape designs. The plant's red and pink floral brackets are often used as an ornamental cut flower in floral arrangements seen everywhere from Waikiki hotel lobbies to cemeteries across the State. Because of emerging plant viruses, commercial production of ornamental ginger has been on the decline for the past ten years on Oahu.

Your Committees further find that in 2018, University of Hawaii College of Tropical Agriculture and Human Resources personnel met with Department of Agriculture officials and found that more diagnostic work and statewide survey information are needed to better understand the effects of the pathogens on crop decline and plant death. This measure provides support to the University of Hawaii College of Tropical Agriculture and Human Resources to further investigate these pathogens that could quickly spread statewide and affect the profitability and long-term sustainability of local ornamental and landscape production industries.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 752 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen). Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

#### SCRep. 417 Judiciary on S.B. No. 958

The purpose and intent of this measure is to:

- (1) Require the Chief Election Officer, with assistance from the county clerks for elections involving county offices and countywide ballot issues, to publish and distribute a voters' pamphlet; and
- (2) Appropriate monies to allow the Chief Elections Officer to produce and distribute a voters' pamphlet for each election.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, one member of the Maui County Council, and one individual. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that all states make an effort to inform the electorate about upcoming elections, where and when the elections will be held, and how to cast a vote. Your Committee further finds that some states publish and distribute voters' pamphlets to registered voters that contain valuable information such as candidate information, judicial performance reviews, descriptions of elected offices, or background information on constitutional amendments or ballot measures. Your Committee additionally finds that, although this information is useful to voters, the costs of producing and distributing physical pamphlets are prohibitive. Publishing the voters' pamphlet online and distributing postcards informing voters of the pamphlet's website address is an effective and efficient way to provide voters with this resource.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Chief Election Officer to post the voters' pamphlet on the Office of Elections' public website instead of distributing physical copies of the pamphlet;
- (2) Requiring the Chief Election Officer to distribute postcards notifying voters of the website address of the online voters' pamphlet; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 958, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 958, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 418 Judiciary on S.B. No. 1462

The purpose and intent of this measure is to appropriate funds for two full-time equivalent positions, operating costs, and equipment to support the Attorney General's Hawaii Criminal Justice Data Center in administering the address confidentiality program.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawaii State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Domestic Violence Action Center, Hawaii State Coalition Against Domestic Violence, AAUW of Hawaii, Hawaii Women's Coalition, Midwives Alliance of Hawaii, Parents and Children Together, The Sex Abuse Treatment Center, and three individuals.

Your Committee finds that the address confidentiality program provides survivors of domestic abuse, sexual offense, or stalking with a substitute address to be used by state and local government agencies instead of their physical address. Your Committee further

finds that the substitute address may be used whenever an address is required for public records, and that mail received at the substitute address may be forwarded to the survivor's actual address. Your Committee additionally finds that, although the Hawaii Criminal Justice Center is preparing to implement an address confidentiality program, no monies have been allocated to support it. This measure will appropriate monies necessary to implement the address confidentiality program.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1462, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1462, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 419 (Joint) Energy, Economic Development, and Tourism and Technology on S.B. No. 125

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Business, Economic Development, and Tourism.

Your Committees received testimony in support of this measure from the Hawaii Technology Development Corporation. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Business, Economic Development, and Tourism in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committees' intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committees request your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 125 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

# SCRep. 420 Energy, Economic Development, and Tourism on S.B. No. 382

The purpose and intent of this measure is to update the formula for the transient accommodations tax collected from time shares by increasing the fair market rental value base on which a time share is taxed from fifty percent to an unspecified percent of the gross daily maintenance fees paid by the owner of the time share and attributable to the time share unit.

Your Committee received testimony in support of this measure from one member of the Maui County Council. Your Committee received testimony in opposition to this measure from the American Resort Development Association Hawai'i; Marriott Vacations Worldwide Corporation; Maui Hotel & Lodging Association; and Soleil Management Hawaii, LLC. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the tax formula for levying taxes on time share units has not been adjusted since the State began taxing time shares in 1998. The formula should be updated to better reflect economic and industry changes that have occurred since 1998. This measure updates the base of the transient accommodations tax by amending the definition of "fair market rental value" from fifty percent to an unspecified percentage of the gross daily maintenance fees, with the intent of ultimately establishing a more accurate tax assessment rate.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2020; and
- (2) Making a technical, nonsubstantive amendment for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 382, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 382, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

# SCRep. 421 Energy, Economic Development, and Tourism on S.B. No. 1348

The purpose and intent of this measure is to clarify the intent of the Small Business Regulatory Review Board's powers when reviewing state and county administrative rules that impact small business.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Small Business Regulatory Review Board; and Maui Chamber of Commerce. Your Committee received comments on this measure from the Hawai'i Farm Bureau.

Your Committee finds that it is important that the Small Business Regulatory Review Board's purview is clearly understood by the small business community, state and county agencies, and Hawaii business chambers and trade organizations. This measure will clarify the Board's powers to avoid any misinterpretations, which have occasionally occurred in the past.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1348 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 422 Energy, Economic Development, and Tourism on S.B. No. 1459

The purpose and intent of this measure is to establish the State Commission on Surfing.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that surfing has a strong cultural connection to Hawaii and not enough is being done to promote Hawaii's historic and cultural influence on surfing. This measure establishes a State Commission on Surfing to promote surfing and educate people worldwide about Hawaii's cultural connection to the sport.

Your Committee has amended this measure by:

- (1) Moving the administrative placement of the State Commission on Surfing from the Department of Commerce and Consumer Affairs to the Office of the Lieutenant Governor;
- (2) Amending the membership of the Commission by:
  - (A) Removing the Comptroller;
  - (B) Amending the selection of members from the Hawaiian community;
  - (C) Requiring the Governor to appoint members so as to ensure gender parity in the composition of the Commission as a whole; and
  - (D) Adding one voting member to be designated by the World Surfing League; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1459, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1459, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 423 (Joint) Education and Human Services on S.B. No. 383

The purpose and intent of this measure is to require the Board of Education to establish and implement youth suicide awareness and prevention training programs and risk referral protocols in public schools, including charter schools.

Your Committees received testimony in support of this measure from the Board of Education, County of Hawaii Office of the Mayor, one member from the Hawaii County Council, Mental Health America of Hawaiii, Hawaii Family Forum, Hawaii Youth Services Network, Hawaii State Teachers Association, Hawaiii Psychological Association, LGBT Caucus of the Democratic Party of Hawaiii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, Keiki Injury Prevention Coalition, and thirteen individuals.

Your Committees find that Hawaii has very high rates of suicide, suicide attempts, and suicidal ideation amongst various age groups, particularly among youth. Youth suicide is often connected to bullying, harassment, and discrimination in schools. Therefore, it is critical for the State to provide the proper training and system protocols to ensure safe learning environments that support the educational, emotional, and physical well-being of all students.

Your Committees have amended this measure by:

- (1) Specifying that all Department of Education school personnel who work directly with students shall be offered, rather than required to complete, youth suicide awareness and prevention training on an annual basis;
- (2) Specifying that by September 15 of each year, each complex area and charter school shall report to the Department of Education on the prior school year training prevention activities completed, rather than on compliance with mandatory training requirements; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 383, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 383, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 4. Noes, none. Excused, 1 (Fevella). Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

### SCRep. 424 (Joint) Education and Government Operations on S.B. No. 856

The purpose and intent of this measure is to require the Auditor to perform a financial and management audit of the Department of Education, Superintendent of Education, Board of Education, and complex areas every three years.

Your Committees received testimony in support of this measure from the Chamber of Commerce Hawaii, Maui Chamber of Commerce, and one individual. Your Committees received testimony in opposition to this measure from the Hawaii State Teachers Association. Your Committees received comments on this measure from the Department of Education and Office of the Auditor.

Your Committees find that there is a greater need for fiscal transparency of the Department of Education. For example, with a reported backlog of over \$800,000,000 for repair and maintenance projects, an audit of the Department of Education every three years would allow the State and public to see what progress is being made and how monies are being used. While there are audits and reviews of certain processes in various Department of Education offices, this measure adds further accountability to ensure that resources are used effectively and efficiently.

As affirmed by the records of votes of the members of your Committees on Education and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 856 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz). Government Operations: Ayes, 5. Noes, none. Excused, none.

# SCRep. 425 (Joint) Education and Government Operations on S.B. No. 1307

The purpose and intent of this measure is to appropriate funds for the Department of Education to determine the feasibility of combining the resources and organization of the Department of Accounting and General Services with the Department of Education on the islands of Kauai, Maui, Molokai, Lanai, and Hawaii island.

Your Committees received testimony in support of this measure from the Department of Education. Your Committees received testimony in opposition to this measure from the Department of Accounting and General Services and two individuals.

Your Committees find that many of the public school facilities throughout the State are in need of repair and maintenance. Currently, the Department of Accounting and General Services is tasked with facility maintenance and support services for neighbor island state buildings, state libraries, and schools. This measure looks at the feasibility and potential benefits of consolidating resources for providing services and maintenance for neighbor island schools to ensure that public school facilities throughout the State are maintained in a timely and efficient manner.

Your Committees have amended this measure by:

- (1) Inserting a blank appropriation amount for the Department of Education Office of School Facilities and Support Services to determine the feasibility of combining the resources and organization of the Department of Accounting and General Services with the Department of Education on the neighbor islands; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Education and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1307, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1307, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz). Government Operations: Ayes, 5. Noes, none. Excused, none.

# SCRep. 426 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism on S.B. No. 488

The purpose and intent of this measure is to require the Department of Agriculture to conduct a study to determine what methods should be used to establish a Hawaii food security metric system that will accurately reflect how much food is produced locally and how much food is imported.

Your Committees received testimony in support of this measure from the Office of Planning, Department of Agriculture, Hawai'i Center for Food Safety, Ulupono Initiative, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Our Revolution Hawaii, and four individuals. Your Committees received comments on this measure from the Hawaii Cattlemen's Council, Inc.

Your Committees find that increased local food production and decreased food imports are a top priority of the State to achieve the state goal of sustainability. In order for the State to successfully increase local food production, the State must first have an understanding of how much food is currently produced locally and imported into the State, using appropriate metrics. Your Committees support all efforts to increase local food production in the State, and establishing a metric system to obtain baseline measurements and progress are foundational in this effort.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 488 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

### SCRep. 427 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 241

The purpose and intent of this measure is to:

- (1) Prohibit the denial of emergency shelter by public establishments;
- (2) Provide compensation to owners of public establishments for repair damages caused by persons sheltered;
- (3) Protect public establishments and their agents and employees from liability when providing emergency shelter; and
- (4) Clarify that remuneration or expectation of remuneration paid to owners of private property for goods or services other than emergency access to land, shelter, or subsistence, including services or incidental commodities to the emergency access, does not void the exemption from civil liability afforded to these owners except where owners increase the sale price of the service or incidental commodities.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Hawaii Medical Service Association, Retail Merchants of Hawaii, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii. Your Committee received testimony in opposition to this measure from the Maui Chamber of Commerce and Hawaii Association for Justice.

Your Committee further finds that the false alert of an inbound ballistic missile on January 13, 2018, raised several issues related to a private property owner providing emergency access to land, shelter, or subsistence to the public. In many cases, private entities may have been reluctant to make facilities or property available to a person for use as a shelter because of liability concerns. Your Committee finds that as this is the Aloha State, a well-balanced mechanism is needed whereby public establishment owners must allow people to take shelter at their establishments during emergencies but will be compensated for any costs incurred to repair any damages caused by those people and protected against liability when providing shelter.

Your Committee further finds that existing state law provides civil liability protection to private property owners who provide emergency access to land, shelter, or subsistence during a disaster without remuneration or expectation of remuneration. The January 2018 false missile alert also raised the issue that this protection may not apply to certain businesses because those sheltering there were paying guests or tenants. This measure clarifies that if a private property owner who, while providing emergency access to land, shelter, or subsistence without remuneration or expectation of remuneration, receives remuneration for providing sheltered persons with services or incidental commodities without price markups, the liability protection is neither diminished nor void.

Your Committee has amended this measure by:

- (1) Specifying that, in the case of an emergency alert, public establishments are required, to the extent reasonably practicable and compliant with law, to shelter persons inside or in the immediate vicinity of the public establishment during the public establishment's normal business hours; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 241, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 241, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 428 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 346

The purpose and intent of this measure is to:

- (1) Require the Hawaii Emergency Management Agency to identify certain evacuation routes;
- (2) Prohibit the planting of large trees along evacuation routes;
- (3) Require the Hawaii Emergency Management Agency to identify existing large trees along evacuation routes and trim, spray, or remove the trees if the trees have the potential to obstruct the evacuation route; and
- (4) Appropriate funds to the Hawaii Emergency Management Agency.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that in preparation for a natural disaster, every second of potential evacuation time makes a difference in protecting the lives of the State's residents. Your Committee further finds that large trees along evacuation routes have the potential to obstruct these roads for residents during an evacuation and prevent emergency response vehicles and personnel from returning to an evacuation zone following a disaster. This measure ensures that evacuation routes are clear and free of obstruction to allow for quick evacuation and response in case of an emergency.

Your Committee has amended this measure by:

 Clarifying the definition of "evacuation route" to specify that only highways under the jurisdiction of the Department of Transportation may be identified as evacuation routes; and (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 346, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 346, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 429 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 572

The purpose and intent of this measure is to require a comprehensive performance audit of certain offices and programs within the Department of Public Safety.

Your Committee received testimony in support of this measure from the Department of Public Safety; Hawaii Government Employees Association AFSCME Local 152, AFL-CIO; Community Alliance on Prisons; Ho'omanapono Political Action Committee; and eight individuals. Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that the most recent performance audit of the Department of Public Safety was in 2017, and its scope was limited. Your Committee further finds that no comprehensive audit of the Department of Public Safety's offices, policies, and programs has been performed in recent history. Accordingly, your Committee finds that for accountability and transparency purposes it is in the best interests of the State to appropriate funds to audit certain offices and programs within the Department of Public Safety.

Your Committee notes that the estimated cost of the audit proposed by this measure is \$200,000.

Your Committee has amended this measure by extending the reporting deadline by one year to twenty days prior to the convening of the Regular Session of 2021.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 572, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 572, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 430 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 600

The purpose and intent of this measure is to restrict any person less than twenty-one years of age from bringing any firearm into the

Your Committee received testimony in support of this measure from the Honolulu Police Department and Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Hawaii Firearms Coalition, Hawaii Rifle Association, Hawaii Leaders Shooters Legion, Institute for Rational and Evidence-Based Legislation, Waianae Hunting Association, and two hundred thirty-one individuals.

Your Committee finds that persons already in the State and applying for a permit to acquire ownership of a firearm in Hawaii must be at least twenty-one years old. Your Committee further finds that, although state law requires that a person who arrives in the State and brings a firearm must register the firearm with the applicable police department, there is currently no minimum age to bring a firearm into the State. This measure establishes a minimum age requirement for persons bringing a firearm into the State consistent with the minimum age to apply for a firearm permit.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 600 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Harimoto). Noes, none. Excused, none.

# SCRep. 431 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 621

The purpose and intent of this measure is to:

- (1) Require a person to report the person's lost, stolen, or destroyed firearms to the appropriate county police department; and
- (2) Establish penalties for failure to report.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and three individual. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Hawaii Leaders Shooters Legion, Waianae Hunting Association, and one hundred seventy-eight individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that firearms permitting and registration requirements are meant to ensure that firearms remain in the possession of individuals who are properly vetted and meet the stringent requirements to own or possess firearms. Your Committee further finds that keeping firearms in the hands of authorized owners is vital to the public safety. Your Committee additionally finds that prompt reporting of lost or stolen firearms allows police officers to promptly investigate reports in a timely fashion.

Your Committee has amended this measure by:

- (1) Requiring persons found guilty of failure to report lost, stolen, or destroyed firearms and required to surrender all firearms and ammunition to the chief of police to do so within seven days of disqualification; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 621, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 621, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 432 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1040

The purpose and intent of this measure is to improve the State's efforts to stop sex trafficking by requiring the State Commission on the Status of Women (Commission) to maintain a database for information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs.

Your Committee received testimony in support of this measure from the Commission on the Status of Women, Kauai County Office of the Prosecuting Attorney, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, League of Women Voters, AAUW of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Save Medicaid Hawaii, Kapiolani Sex Abuse Treatment Center, Hoʻola Na Pua, IMUAlliance, and ten individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Harm Reduction Hawaii, K&R Enterprises, Community Alliance on Prisons, SWOP Hawaii, and four individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, and Office of Information Practices.

Your Committee finds that sex trafficking is the commercial sexual exploitation of a minor or the coercive commercial sexual exploitation of any person and can have significant medical, psychological, and social consequences for victims. Currently, the State does not maintain a sex trafficking database.

Your Committee finds that this measure would allow the Commission to collaborate with government and community partners to maintain a database of statistical and demographic information of sex trafficking victims. Your Committee finds that this database can assist in discovering the extent of sex trafficking in Hawaii, developing intervention strategies, and providing victim services.

Your Committee has amended this measure by:

- (1) Adding a privacy provision to protect the names and identities of the victims;
- (2) Adding a privacy provision to maintain record confidentiality;
- (3) Requiring the database on sex trafficking be made available to the public under certain circumstances;
- (4) Requiring the Commission, in its report to the Legislature, to identify funding opportunities for sex trafficking programs;
- (5) Removing the requirement that the database must contain the total amount of federal and state funding available for sex trafficking programs;
- (6) Requiring certain entities to assist and share data with the Commission; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1040, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1040, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 433 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1117

The purpose and intent of this measure is to exempt active members of the Hawaii Emergency Management Agency and county emergency management agencies from jury duty.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Department of Emergency Management of the City and County of Honolulu, County of Kaua'i Emergency Management Agency, and four individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that due to the critical roles that physicians, members of the armed forces, police officers, firefighters, and emergency medical service members play in ensuring the safety of the public welfare in emergency situations, these individuals are exempt from jury duty under state law. Your Committee also finds that the Hawaii Emergency Management Agency and county emergency management agencies serve essential, critical, and unique roles and functions in order to provide emergency management for the State. However, active members of emergency management agencies are not exempt from jury duty under state law. Therefore, this measure ensures that active members of those agencies face no hindrances in serving in their roles.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1117 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 434 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1421

The purpose and intent of this measure is to implement the recommendations of the Criminal Pretrial Task Force that convened pursuant to House Concurrent Resolution No. 134, House Draft 1, Regular Session of 2017 (Task Force).

Your Committee received testimony in support of this measure from the Department of Public Safety, Judiciary, Office of Hawaiian Affairs, Office of the Public Defender, Community Alliance on Prisons, IMUAlliance, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ho'omanapono Political Action Committee, and seven individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney. Your Committee received comments on this measure from the Department of the Attorney General, Hawaii Disability Rights Center, A-1 Bail Bonds.

Your Committee finds that the State's current criminal pretrial system can be improved based on the findings of the Criminal Pretrial Task Force. Some of these areas of improvement include improving the intake process, paying special attention to victim's rights, and ensuring prompt hearings.

Your Committee further finds that this measure accomplishes many of the Task Force's recommendations but that some aspects of this measure are ambiguous and could be made clearer with multiple amendments. Your Committee also notes that the Department of Public Safety raised budgetary concerns and requests your Committee on Ways and Means to consider or address those concerns.

Your Committee has amended this measure by:

- (1) Clarifying that a copy of the pretrial bail report shall be given only to research entities with which the Department has contracted, in order to maintain confidentiality;
- (2) Clarifying that the entities responsible for conducting periodic reviews of pretrial detainees are the relevant community correctional centers, rather than intake service centers, and specifying that the frequency of the reviews shall be at least once every three months;
- (3) Requiring the Department of Public Safety to submit the validation study of the Ohio Risk Assessment System's Pretrial Assessment Tool to the Legislature in lieu of its report on progress made in revising pretrial risk assessment processes;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1421, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1421, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 435 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1503

The purpose and intent of this measure is to allow incarcerated individuals who were Hawaii residents immediately prior to incarceration to vote in Hawaii elections via absentee ballot.

Your Committee received testimony in support of this measure from the Department of Public Safety, Community Alliance on Prisons, League of Women Voters of Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hoʻomanapono Political Action Committee, and three individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party and three individuals. Your Committee received comments on this measure from the Office of Elections and one individual.

Your Committee finds that eighteen countries grant voting rights to the incarcerated regardless of the offense, and that preventing incarcerated individuals from voting has a disproportionate effect on communities of color.

Your Committee further finds that the loss of the right to vote impedes the successful reentry of full human beings who are prepared as responsible and productive citizens before release to ensure successful reintegration into the community. Your Committee believes that voting can be an opportunity for incarcerated persons to learn about candidates and issues, engage in civic education, and prepare for reintegration into society.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that your Committee on Ways and Means consider appropriating additional funds to the Office of Elections for the purpose of processing additional absentee ballots from incarcerated persons.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1503, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1503, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 436 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1538

The purpose and intent of this measure is to require monetary bail to be set in reasonable amounts based upon all available information, including the defendant's ability to afford bail.

Your Committee received testimony in support of this measure from the Judiciary, Department of Public Safety, Office of the Public Defender, Community Alliance on Prisons, IMUAlliance, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ho'omanapono Political Action Committee, and four individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department. Your Committee received comments on this measure from the Hawaii Disability Rights Center.

Your Committee finds that state and county law enforcement officers have discretion to set the amount of bail, and the State does not require that the bail amount be set based on the person's ability to afford bail. Your Committee further finds that the Department of Public Safety's pretrial service officers do not have access to other states' data on the accused person's wages and tax information and, thus, it is difficult for pretrial officers to set bail based on the person's financial circumstances and ability to afford bail.

Your Committee finds that existing law should make clear that information regarding a defendant's financial circumstances and ability to afford bail should be considered when setting bail to help ensure a fair process that allows for consideration of a person's financial circumstances on a case-by-case basis.

Your Committee has amended this measure by:

- (1) Authorizing pretrial service officers to access other state agencies' wages and tax information of accused persons for the limited purpose of setting an appropriate bail amount; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1538, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1538, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 437 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1539

The purpose and intent of this measure is to grant defendants a right to a prompt bail hearing.

Your Committee received testimony in support of this measure from the Judiciary, Department of Public Safety, Office of the Public Defender, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Community Alliance on Prisons, Ho'omanapono Political Action Committee, and five individuals.

Your Committee finds that House Concurrent Resolution No. 134, H.D. 1 (2017), established a task force to examine and make recommendations regarding criminal pretrial practices and procedures to maximize public safety, maximize court appearances, and maximize pretrial release of the accused and presumed innocent.

Your Committee further finds that the task force's investigations revealed that the current system is inconsistent as to whether and when a pretrial defendant is accorded a bail hearing. Your Committee finds that this measure helps ensure a prompt hearing for pretrial defendants, many of whom are considered low-risk defendants for whom release pending trial would be appropriate.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1539 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 438 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1540

The purpose and intent of this measure is to require periodic reviews and public reporting of the pretrial intake screening process of defendants for potential pretrial release and to improve clarity and consistency in the intake process.

Your Committee received testimony in support of this measure from the Judiciary, Department of Public Safety, Office of the Public Defender, IMUAlliance, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ho'omanapono Political Action Committee, and six individuals.

Your Committee finds that House Concurrent Resolution No. 134, H.D. 1 (2017), established a task force to examine and make recommendations regarding criminal pretrial practices and procedures. The task force made multiple recommendations to improving the pretrial process, which include conducting periodic reviews of each pretrial detainee's status and completing pretrial risk assessments and bail reports within two, instead of three, working days.

Your Committee further finds that generally, court determinations as to whether a defendant is detained or released are made at or about the time of the initial arraignment hearing. Thereafter, a defendant's bail or release is rarely addressed.

Your Committee finds that in order to afford the pretrial detainee greater and continuing opportunities to be released, intake service centers should conduct periodic reviews of each pretrial detainee's status and complete pretrial risk assessments and bail reports within two working days.

Your Committee has amended this measure by clarifying that research entities must have been approved by and contracted with the Department of Public Safety in order to receive a copy of the pretrial bail report.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1540, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 439 (Joint) Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment on S.B. No. 893

The purpose and intent of this measure is to:

- (1) Prohibit the counties from rejecting number 1 and number 2 plastic bottles presented for recycling solely because the bottles are accompanied by or adjoined to nonrecyclable bottle caps;
- (2) Require and appropriate funds for the counties to separate and appropriately dispose of such nonrecyclable bottle caps;
- (3) Insert a definition of "PP", or polypropylene plastic material, into the integrated solid waste management law; and
- (4) Require the counties to include PP materials in its feasibility assessment for recycling.

Your Committees received testimony in support of this measure from the Sierra Club of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and five individuals.

Your Committees find that the local and global impact of the world's increasing waste stream is unsustainable and detrimental to the future of Hawaii's economy and people. There has been an exponential rise in single-use foodware and drinkware, including plastic bottles with caps, which are major contributors to street and beach litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions.

Your Committees further find that because the counties do not accept number 1 and number 2 plastic bottles that are accompanied by or adjoined to nonrecyclable bottle caps made of polypropylene, some consumers may be discouraged by the inconvenience and ultimately choose not to recycle their plastic bottles. By having the counties accept those plastic bottles for recycling and separate caps from bottles, the State can increase recycling rates and reduce the overall volume of waste.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 893 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 440 (Joint) Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment on S.B. No. 940

The purpose and intent of this measure is to grant county agencies the implicit right to enter property to investigate agricultural buildings and structures for violations of, and compliance with, building permit and code exemption qualifications.

Your Committees received testimony in support of this measure from the Department of Agriculture, Office of Planning, Mayor of the County of Hawai'i, and two individuals.

Your Committees find that certain qualified agricultural structures are exempt from building permit and building code requirements. Your Committees further find that exempted agricultural buildings and structures are sometimes illegally transformed for residential purposes. This measure will allow county agencies to exercise their enforcement powers and help to prevent the misuse of agricultural buildings and structures.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 940 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 441 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1486

The purpose and intent of this measure is to allow the Administrator of the Narcotics Enforcement Division of the Department of Public Safety to disclose confidential information from the electronic prescription accountability system, commonly known as the Prescription Drug Monitoring Program or PDMP, to authorized employees of the Department of Health Alcohol and Drug Abuse Division and the Emergency Medical Services and Injury Prevention Systems Branch.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of Health.

Your Committee finds that the Department of Public Safety has collaborated closely with the Department of Health and other government and private stakeholders to create Hawaii's Opioid Action Plan. The Opioid Action Plan calls for a balanced approach involving effective treatment, prevention, and law enforcement to combat opioid abuse in Hawaii. As part of this action plan, stakeholders agree that sharing information between the departments would provide the Department of Health with necessary information to better protect the community through opioid prescription and public health monitoring.

Your Committee further finds that this measure enables the sharing of data between law enforcement and public health officials necessary to effectively combat opioid abuse in the State.

Your Committee has amended this measure by clarifying that the authorization proposed by this measure is to disclose the confidential PDMP information to agencies of the State of Hawaii Department of Health.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1486, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 442 Education on S.B. No. 37

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Hawaii State Public Library System.

Your Committee received testimony in support of this measure from the Hawaii State Public Library System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Hawaii State Public Library System in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 37, S.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 443 Education on S.B. No. 981

The purpose and intent of this measure is to repeal the Hawaii Teacher Standards Board special fund and transfer the remaining balance to the general fund.

Your Committee received testimony in support of this measure from the Hawai'i Teacher Standards Board. Your Committee received testimony in opposition to this measure from the Department of Education. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the Hawaii Teacher Standards Board special fund is used to pay for the expenses of the Hawaii Teacher Standards Board, including operational and personnel costs and reimbursements to Board members for travel expenses. Due to limited resources in the special fund, the Board has been forced to downsize its office space and reduce its staff, limiting the scope of services and support to Hawaii teachers, school counselors, and school librarians. Funding the Hawaii Teacher Standards Board through the general fund will allow the Board to continue to fully support teacher licensing, educator preparation programs, and professional development.

Your Committee has amended this measure by:

- (1) Changing the date when all unencumbered balances remaining in the Hawaii Teacher Standards Board special fund shall lapse to the general fund from June 30, 2019, to June 30, 2021; and
- (2) Inserting an effective date of July 1, 2021.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 981, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 981, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 444 Education on S.B. No. 1303

The purpose and intent of this measure is to:

- (1) Allow the Department of Education to lease public school lands for a term of not more than ninety-nine years per lease;
- (2) Amend Act 210, Session Laws of Hawaii 2018, by adding an additional parcel to the list of transferred lands from the City and County of Honolulu to the Department of Education; and
- (3) Amend Act 206, Session Laws of Hawaii 2017, to allow the City and County of Honolulu to transfer lands under existing Department of Education facilities directly to the Department of Education, rather than to the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Education and Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from the Honolulu Fire Department.

Your Committee finds that Act 155, Session Laws of Hawaii 2013, established a pilot program to generate revenue from uses of public school lands for public purposes, such as workforce housing, to build and retrofit twenty-first century schools and create more school-centered communities. The pilot program laid important groundwork for a statewide approach and plan to optimize public school lands and modernize public school facilities. However, in subsequent discussions with government agencies and private developers, the existing fifty-five-year lease term creates issues in financing redevelopment projects. Extending the lease terms for redevelopment would allow prospective developers flexibility in securing financing as well as insuring a better long-term return to the State for the use of its lands.

Your Committee further finds that Act 206, Session Laws of Hawaii 2017, attempted to consolidate ownership of the lands under existing public schools from the City and County of Honolulu to the Department of Land and Natural Resources. However, rather than have the lands transferred from the City and County of Honolulu to the Department of Land and Natural Resources and then to the Department of Education, the lands should be transferred directly from the City and County of Honolulu to the Department of Education to allow the Department of Education more flexibility to redevelop or reposition its assets.

Additionally, your Committee finds that the Honolulu Fire Department has been looking for a possible location for a public safety facility to serve the growing Kaka'ako-Ala Moana area. The parcel on Young Street where the Student Transportation Service Office is located would be an ideal site for a new fire station that would optimize the delivery of emergency services to the growing nearby community.

Your Committee has amended this measure by:

- (1) Deleting part II which would have transferred the Student Transportation Service Office parcel on Young Street from the City and County of Honolulu to the Department of Education; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1303, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1303, S.D. 1, and be referred to your Committee on Water and Land.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 445 Education on S.B. No. 688

The purpose and intent of this measure is to require the Committee on Weights to submit a report to the Legislature detailing any changes to the funding formula within thirty days of the change.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the Committee on Weights is responsible for, among other things, reviewing the issue and revising the formula to provide for the equitable distribution of funds to all of Hawaii public schools. Although there is major concern for insufficient funding for public schools, various Committees on Weights have recommended, and the Board of Education has approved changes, in the formula factor that has increased the weighted student formula base funding at schools. Because these changes affect the well-being of schools and students from all areas, it is important that the Legislature be made aware of such changes.

Your Committee has amended this measure by specifying that the Committee on Weights shall submit a report to the Legislature on any recommendations made by the Committee on Weights to the Board of Education that involves the weighted student formula.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 688, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 688, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 446 Education on S.B. No. 1522

The purpose and intent of this measure is to appropriate funds for the Hawaii keiki: healthy and ready to learn program.

Your Committee received testimony in support of this measure from the Department of Education, University of Hawai'i System, Hawaii State Teachers Association, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that the Hawaii keiki: healthy and ready to learn program has expanded access to health services for many of the State's students. School-based services such as early eye screenings and oral hygiene services for vulnerable keiki in pre-

kindergarten through high school can improve academic outcomes and increase children's opportunities for economic achievement. This measure improves access to and increases the quality of health services available to Hawaii's public school students.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1522 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

#### SCRep. 447 Education on S.B. No. 692

The purpose and intent of this measure is to:

- (1) Authorize remote schools to receive supplemental categorical funding, subject to legislative appropriations, to support instructional and support staff; and
- (2) Appropriate funds for remote schools categorical funding.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that small and geographically remote schools sometimes lack sufficient funds to cover programming above and beyond basic operations. In the case of Hana High and Elementary School, the budgetary shortfall has resulted in the loss of several well-qualified teachers and has threatened the school's ability to offer minimum course requirements for students. For students to take the requisite courses for graduation, those students will have to endure a nearly forty-mile, two-hour drive to the next closest public high school, King Kekaulike High School. This measure ensures that remote schools are funded to retain the minimal personnel and resources necessary to graduate students.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 692 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 448 Education on S.B. No. 477

The purpose and intent of this measure is to:

- (1) Allow the Department of Education to provide sex trafficking prevention training to certain staff; and
- (2) Require the Department of Education to make available to certain staff explanatory information about protocols that the Department has approved for providing services to victims of sex trafficking.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawaii Youth Services Network, UNITE, The Sex Abuse Treatment Center, IMUAlliance, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one individual.

Your Committee finds that schools are one of the main social institutions outside of the family in which children have constant contact with adults and their peers. Your Committee further finds that regular, prolonged interaction with students in the classroom provides teachers with an excellent opportunity to identify the warning signs that a student might be at risk of sex trafficking or exploitation or experiencing sexual abuse. This measure will equip teachers and educational officers with resources to help prevent sex trafficking, identify signs of sexual abuse, and respond to the risk that sex trafficking and sexual abuse poses to Hawaii's students.

Your Committee has amended this measure by expanding the scope of the prevention training offered by the Department of Education for teachers, educational officers, and school-based behavioral health specialists to include sexual abuse prevention and response.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 477, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 477, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 449 Education on S.B. No. 91

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Education.

Your Committee received testimony in support of this measure from the Department of Education, Executive Office on Early Learning, and Early Learning Board.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Education in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 91 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

# SCRep. 450 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 1026

The purpose and intent of this measure is to appropriate funds for the healthy aging partnership program to further the program's role in improving the health and well-being of Hawaii's kupuna.

Your Committees received testimony in support of this measure from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, Maui County Office on Aging, International Longshore and Warehouse Union Local 142, Hawaii Chapter – American Physical Therapy Association, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and over one hundred thirty individuals.

Your Committees find that the Hawaii healthy aging partnership program improves the health of older adults by empowering residents to make healthy decisions and engage in healthier lifestyles. The healthy aging partnership program has successfully adapted evidence-based health promotion programs and disease prevention programs for the multicultural population in Hawaii and was nationally recognized for its achievements when it received the 2013 multicultural aging award from the American Society on Aging.

Your Committees further find that despite its track record of success, the healthy aging partnership program did not receive funding for fiscal year 2018-2019. Without adequate funding, the program will have to close. Funding the healthy aging partnership program is an important step toward meeting the first goal of the Hawaii State Plan on Aging and ensuring that the State will not lose a valuable program that maximizes opportunities for older adults to age well, remain active, and enjoy life in their communities.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1026 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

### SCRep. 451 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 1231

The purpose and intent of this measure is to:

- (1) Update the name of the spouse and child abuse special fund;
- (2) Exempt the spouse and child abuse special fund from the central services assessment and administrative expense assessment; and
- (3) Allow the Department of Human Services to retain reimbursements of federal funds to provide funding for child abuse and neglect prevention and intervention services.

Your Committees received testimony in support of this measure from the Department of Human Services and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committees find that funds from the spouse and child abuse special fund are used to support crucial activities that are not sufficiently funded from any other source, such as services for minors who are sexually trafficked, counseling and psychoeducation to parents who have abused or neglected their children, and domestic violence fatality reviews. Beginning on October 1, 2019, the federal Family First Prevention Services Act (FFPSA) will permit states the option of using Social Security Title IV-E funds for prevention services.

Your Committees further find that the Department of Human Services plans on taking advantage of this option and would like to be able to retain all FFPSA and Title IV-E reimbursements for needed services in the State. However, under existing state law, the Department is not allowed to retain federal reimbursement funds received in the following fiscal year from which they were expended. This measure allows the Department to retain Title IV-E federal reimbursements in the spouse and child abuse special fund, which will stabilize child welfare program funding.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1231 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

### SCRep. 452 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 1016

The purpose and intent of this measure is to reduce use, access, and exposure to tobacco products by youth by prohibiting the issuance and renewal of retail tobacco permits for places of business and the sale of tobacco products or electronic smoking devices within seven hundred fifty feet of preschools, schools, or public parks.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Public Health Institute, Keiki Injury Prevention Coalition, Blue Zones Project – Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ho'omanapono Political Action Committee, and seven individuals. Your Committees received testimony in opposition to this measure from Retail Merchants of Hawaii; Hawaii Food Industry Association; Hawaii Petroleum Marketers Association; Hawaii Smokers Alliance; HI Lyfe Vaporz, LLC; Irie Hawaii Stores; Island Energy Services, Retail LLC; and thirty individuals. Your Committees received comments on this measure from the Department of Taxation, Department of the Attorney General, and Department of Health.

Your Committees finds that that ninety-five percent of smokers start before the age of twenty-one and that density of tobacco retailers around schools has a significant impact on the prevalence of youth tobacco use. Tobacco and electronic smoking device manufacturers employ tactics such as child-friendly flavors, celebrity endorsements, and high-tech design, and youth and children are particularly susceptible to these cues.

California, New York, and numerous other localities have implemented tobacco retailer zones like the one proposed in this measure, where sales of tobacco products and permits for tobacco retailers are prohibited near schools, parks, and other areas frequented by youth. Researchers from the University of Buffalo and Roswell Park Cancer Institute found more tobacco outlets concentrated around elementary and secondary schools, and more densely concentrated in lower-income areas. This may contribute to disparities in tobacco use between socioeconomic groups.

Your Committees find that creating tobacco retail buffer zones encourages responsible tobacco retailing, reduces tobacco-related health issues, and, most importantly, reduces youth tobacco use, including through the use of electronic smoking devices.

Your Committees have heard the concerns raised in testimony that determining the distance between a retail location and a school or playground is labor-intensive and outside the realm of Department of Taxation's expertise. Therefore, your Committees intend to place the responsibility of determining the distance to a school or playground on the permit applicant, with the Department of Taxation retaining an oversight role through audits or inspection procedures.

Your Committees have amended this measure by:

- Clarifying that an applicant for a retail tobacco permit, rather than the Department of Taxation, is responsible for determining whether the retailer is within seven hundred fifty feet of a preschool, school, or playground;
- Removing the definitions of "electronic smoking device" and "tobacco product", as these terms are already defined in chapter 328J, Hawaii Revised Statutes;
- (3) Clarifying the Department of Taxation's authority to suspend, revoke, or decline to issue a retail tobacco permit;
- (4) Exempting vocational or licensing schools attended primarily by adults and public or private day care centers near commercial areas from the buffer zone requirements proposed by this measure;
- (5) Changing its effective date to upon approval but delaying implementation of the tobacco retail buffer zone prohibitions until January 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1016, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1016, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Thielen).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

# SCRep. 453 Labor, Culture and the Arts on S.B. No. 504

The purpose and intent of this measure is to appropriate funds for the repair, restoration, and maintenance of Iolani Palace's coronation pavilion.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Historic Hawai'i Foundation, Iolani Palace, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the Iolani Palace's coronation pavilion is one of Hawaii's most historic, iconic, and culturally important features. Recently, the coronation pavilion has been used for the inauguration of the Governor of the State and via permit, for community and cultural events throughout the year, which allows Iolani Palace to generate funds to support management and maintenance costs. However, the coronation pavilion is in need of structural repair. This measure would appropriate funds for the repair, restoration, and maintenance of Iolani Palace's coronation pavilion, which will allow the community to continue to utilize this culturally significant structure.

Your Committee has amended this measure by inserting an appropriation amount of \$500,000 to the Department of Accounting and General Services and adding the repair, restoration, and maintenance of two pergolas and the fountain to the authorized use of the funds.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 504, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 504, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 454 Labor, Culture and the Arts on S.B. No. 794

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Accounting and General Services.

Your Committee received testimony in support of this measure from the State Foundation on Culture and the Arts.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Accounting and General Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- Removing design of the capitol district building, site and accessibility improvements, so that the entire amount of \$1,200,000
  authorized shall be used for construction only; and
- (2) Making the appropriation for the capitol district building, site and accessibility improvements, for the second year of the fiscal biennial rather than the first fiscal year.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 794, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 794, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 455 Labor, Culture and the Arts on S.B. No. 1082

The purpose and intent of this measure is to make general contractors entering into or under contracts in Hawaii for work on buildings or structures liable for debt incurred by subcontractors for wages due to claimants for performance of labor in the contract between the general contractor and owner.

Your Committee received testimony in support of this measure from Pacific Resource Partnership and Hawaii Regional Council of Carpenters. Your Committee received testimony in opposition to this measure from the Subcontractors Association of Hawaii. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that under existing law, general contractors are not liable for the unfair labor practices of their subcontractors, including but not limited to the nonpayment of wages. As a result, employees of subcontractors are, in certain instances, not getting adequately compensated for work they provide. This measure will hold general contractors liable for debt incurred by subcontractors for wages due to their employees, which will ensure that general contractors take precautions in hiring subcontractors if they want to avoid being responsible for the subcontractor's nonpayment to their employees.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1082, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1082, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Chang).

### SCRep. 456 (Joint) Water and Land and Agriculture and Environment on S.B. No. 379

The purpose and intent of this measure is to:

- (1) Allow the Governor to negotiate land exchanges consistent with and in furtherance of agricultural and housing needs and purposes; and
- (2) Require the Governor to submit a report to the Legislature of any potential or negotiated land exchanges for final approval.

Your Committees received testimony in support of this measure from the Department of Agriculture, Agribusiness Development Corporation, Hawaii Farm Bureau, and Land Use Research Foundation of Hawaii. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources. Your Committees received comments on this measure from the Office of Planning, Land Use Commission, and Office of Hawaiian Affairs.

Your Committees find that Hawaii's insufficient agricultural production, and the State's critical shortage of safe and sanitary housing inventory for Hawaii residents, including affordable housing and workforce housing, create critical health, safety, and security issues for Hawaii and its sustainable future. The lack of suitable entitled lands for development of appropriate housing is a major contributing factor to the housing crisis, and substantial obstacles and delays in entitling lands result in delayed development, low housing inventory, and increased housing prices. Your Committees further find that the exchange of state lands for privately owned lands can help address the challenges of increasing Hawaii's agricultural self-sufficiency while also ameliorating the State's housing crisis by providing for the mutually beneficial exchange of developable state lands for housing with privately owned agricultural lands for farming.

Your Committees note the concerns of the Land Use Commission regarding the constitutionality of this measure in that a requirement to process any boundary reclassification within 30 days would not allow sufficient due process in adhering to the environmental impact statement and historic preservation laws.

Your Committees have amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 379, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 379, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 457 (Joint) Water and Land and Agriculture and Environment on S.B. No. 490

The purpose and intent of this measure is to establish a community food forest program in the Department of Land and Natural Resources to work collaboratively with local government and community organizations to provide sources of healthy food statewide.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, EcoTipping Points Project, and three individuals. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that the concept of community food forests is to identify lands, particularly those near community gathering places such as parks and community centers, that may be suitable for lease for edible landscaping or growing edible plants. Your Committees further find that the State should be exploring community food forests as a food source alternative given the State's need for greater sustainability. Community and urban gardens may provide additional sources of low- or no-cost food to residents, while also utilizing developed land for community sustainability purposes.

Your Committees have amended this measure by:

- Inserting an appropriation amount of \$125,000, allocating \$75,000 for a program administrator position and \$50,000 for operating expenses;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 490, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 490, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 458 (Joint) Water and Land and Agriculture and Environment on S.B. No. 949

The purpose and intent of this measure is to appropriate funds for a position in the Department of Land and Natural Resources to:

- (1) Draft rules that implement and clarify the intent of chapter 195D, Hawaii Revised Statutes;
- (2) Work with applicants for incidental take licenses to develop their projects to minimize and mitigate incidental take of threatened and endangered species to the maximum extent practicable; and
- (3) Effectively track and monitor funds and expenditures related to habitat conservation plans, conduct follow-up monitoring for development projects, and implement and manage mitigation and other projects that benefit the recovery of threatened and endangered species.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Department of Business, Economic Development, and Tourism; and one individual.

Your Committees find that, as the endangered species capital of the world, Hawaii needs flexibility in its laws to ensure state and federal agencies and private landowners can work cooperatively to protect and conserve endangered species while allowing for responsible development activities and economic growth. Your Committees further find that incidental take licenses have proven to be an invaluable tool in the process of recovering the State's endangered species and that it is therefore imperative that this tool remains an available but effective and practical option.

Your Committees have amended this measure by inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 949, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 949, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 459 (Joint) Water and Land and Agriculture and Environment on S.B. No. 1249

The purpose and intent of this measure is to:

- Authorize the Department of Land and Natural Resources to establish different types of commercial marine licenses (CMLs), including but not limited to commercial marine vessel licenses, fishery and gear-specific CMLs, and full-time and part-time CMLs; and
- (2) Require any person providing fishing charter or guide services, whether vessel-based or shore-based, to first obtain a CML.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Seafood Council; United Fishing Agency; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; Lokahi Fishing, LLC; and three individuals.

Your Committees find that the current CML laws are unnecessarily burdensome on boat-based fishers due to the requirement that each individual on a fishing vessel must have a CML to participate in a commercial fishing trip where the resulting catch may be sold. This places logistical and even financial burdens on vessel captains when part-time crew members are needed for a commercial fishing trip or when random or infrequent visitors are invited. It also leads to confusion regarding who is responsible for submitting commercial catch reports for fishing activities on board the vessel. Your Committees further find that the Department of Land Natural Resources lacks the statutory authority to establish different types of CMLs. Therefore, authorizing the Department of Land and Natural Resources to create and issue different types of CMLs, such as a commercial marine vessel license, would enable better management of the State's diverse commercial fishing activities.

Your Committees have amended this measure by:

- (1) Deleting references to fishery and gear-specific commercial licenses;
- (2) Deleting references to full-time and part-time commercial licenses;
- (3) Deleting references to guide services;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1249, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1249, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Rhoads). Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 460 (Joint) Water and Land and Agriculture and Environment on S.B. No. 1542

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for the design and construction of an exploratory well for the proposed Kunia wells IV pump station.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Agribusiness Development Corporation; Land Use Research Foundation of Hawaii; Hawaii; Farm Bureau; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Local Food Coalition; Hawaii Crop Improvement Association; and Hawaii Cattlemen's Council, Inc.

Your Committees find that Oahu farmers require greater amounts of potable water for irrigation and compliance with federal Food Safety and Modernization Act rules. Your Committees further find that the four exploratory water wells for the proposed Kunia wells IV pump station will provide additional water supply for growth, including diversified agriculture.

Your Committees have amended this measure by:

- Clarifying the purpose section to better reflect the Board of Water Supply proposals regarding the proposed Kunia wells IV pump station;
- Clarifying that the purpose of the proposed Kunia wells IV pump station is to meet future potable water requirements for growth, including diversified agriculture;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1542, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1542, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

#### SCRep. 461 (Joint) Agriculture and Environment and Water and Land on S.B. No. 486

The purpose and intent of this measure is to require and appropriate funds for the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) to review and report on environmental impact food labeling and possible methods of implementation in Hawaii

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Animal Rights Hawai'i, Good Food Movement, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Keiko Conservation, and four individuals. Your Committees received testimony in opposition to this measure from the Hawaii Cattlemen's Council. Your Committees received comments on this measure from the Hawaii Emergency Management Agency and Hawaii Food Industry Association.

Your Committees find that the prevalent, modern food system is a major driver of climate change, changes in land use, depletion of fresh water resources, and pollution of aquatic and terrestrial ecosystems through excessive nitrogen and phosphorus inputs. Your Committees further find that the food system emits about thirty percent of greenhouse gases and drives eighty percent of nitrogen and phosphorus pollution. In particular, transporting non-local food items to Hawaii contributes significantly to greenhouse gases, and imported foods have a higher environmental impact and contribute to climate change.

Your Committees also find that Hawaii residents would benefit from food labeling that shows the environmental impact of each food item to differentiate between products produced with a greater negative environmental impact and those with smaller carbon footprint. Mandatory labels support sustainable consumption and may mitigate climate change.

Your Committees have amended this measure by inserting an appropriation amount of \$100,000 for the Commission to conduct its review and report its findings and recommendations.

Your Committees suggests to the Commission that in reviewing and reporting on the concept of food labeling based on its environmental impact, the Commission should gather information from and interview food distributors and retailers regarding the feasibility of implementing this labeling.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 486, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 486, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 462 (Joint) Agriculture and Environment and Water and Land on S.B. No. 523

The purpose and intent of this measure is to enhance protection of Hawaii's natural resources, agriculture, human health, and way of life by appropriating funds for execution of the Hawaii Interagency Biosecurity Plan.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Ka Ohana O Na Pua, The Nature Conservancy, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Farm Bureau, Coordinating Group on Alien Pest Species, Hawaii Cattlemen's Council, and five individuals. Your Committees received comments on this measure from the Department of Budget and Finance, State Procurement Office, and Department of Agriculture.

Your Committees find that the Hawaii Interagency Biosecurity Plan outlines the State's strategy for improving biosecurity from 2017 to 2027; that is, the actions and policies to be taken to mitigate the risk from invasive species introduction, establishment, and spread.

Your Committees further find that while many of the Hawaii Interagency Biosecurity Plan recommendations are no-cost actions that are being taken internally to improve efficiency and increase collaboration, the Hawaii Interagency Biosecurity Plan does identify key capacity and infrastructure gaps that need to be addressed in order for Hawaii to be effectively protected from the impacts of invasive species. These infrastructure and capacity gaps can be ameliorated with this measure's creation of the invasive species rapid response special fund and appropriations.

Your Committees have amended this measure by:

- (1) Increasing the appropriation amount for fiscal year 2020-2021 for the Department of Agriculture's four new Plant Quarantine Branch positions from \$103,908 to \$150,000;
- (2) Removing the exemption from the Hawaii Public Procurement Code for expenditures from the invasive species rapid response special fund upon declaration of an invasive species emergency, as the exemption authority is already allowed under section 127A-12, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 523, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 523, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 463 (Joint) Agriculture and Environment and Water and Land on S.B. No. 644

The purpose and intent of this measure is to require the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) to determine which coastal areas to armor and which ones to select for managed retreat.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, IMUAlliance, Life of the Land, and two individuals. Your Committees received comments on this measure from the Office of Planning, Hawaii Emergency Management Agency, and Building Industry Association of Hawaii.

Your Committees find that Act 32, Session Laws of Hawaii 2017, established the Commission to address the urgent issue of sealevel rise in the State. In less than a year, the Commission, which consists of various state and county officials, provided the Legislature with a comprehensive sea-level rise report in which risk levels are clearly identified. Your Committees also find that it is imperative to start implementing the Commission's recommendations from the report and the State needs to start planning and funding the coastal adaptations to sea-level rise now to avoid crises in the next decade.

Your Committees further find that in planning for sea-level rise, identification and determination of shoreline armoring and retreat should be prioritized.

Your Committees have amended this measure by directing the Commission to consider sea levels of 1.0, 2.0, and 3.2 feet high instead of 3, 6, and 9 feet high.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 644, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 644, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 464 (Joint) Agriculture and Environment and Water and Land on S.B. No. 941

The purpose and intent of this measure is to require an owner or occupier of agricultural land to notify the Land Use Commission of the agricultural uses for which the land was subdivided, sold, or leased and to grant the Commission enforcement authority over conditions, restrictions, uses, and subdivision of agricultural lands, including the right to enter and inspect lands, issue orders, and impose fines or liens for violations.

Your Committees received testimony in support of this measure from the Office of Planning, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Farm Maui LLC. Your Committees received comments on this measure from the Land Use Commission and the Department of Agriculture.

Your Committees find that the abuse of agricultural lands is a significant problem in the State. Your Committees further find that this measure provides the Land Use Commission with the authority to monitor and cite violators of improper agricultural land uses and activities and requires owners and occupants of agricultural land to submit to the Land Use Commission the planned use for the specific parcel whenever the land parcel is subdivided, sold, or leased.

Your Committees additionally find that the Land Use Commission would require funding to fulfill its enforcement duties pursuant to this measure.

Your Committees have amended this measure accordingly by:

- (1) Inserting an appropriation of \$150,000 for fiscal years 2019-2020 and 2020-2021 for the Land Use Commission to perform enforcement duties; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 941, as amended herein, and

recommend that it pass Second Reading in the form attached hereto as S.B. No. 941, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 465 (Joint) Agriculture and Environment and Water and Land on S.B. No. 1254

The purpose and intent of this measure is to expand the type of revenue that can be deposited into the endangered species trust fund, which would allow the Department of Land and Natural Resources to seek additional types of revenue for implementation of endangered species protections under chapter 195D, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals.

Your Committees find that, as the endangered species capital of the world, Hawaii needs flexibility in revenue sources to protect Hawaii's iconic species threatened by invasive species, fire, and disease. This measure would allow for additional avenues of revenue to assist the Department of Land and Natural Resources in its efforts to conserve and protect endangered plant and animal species.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1254 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 466 Energy, Economic Development, and Tourism on S.B. No. 33

The purpose and intent of this measure is to repeal the annual \$35,000,000 rolling cap for the motion picture, digital media, and film production income tax credit.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; University of Hawai'i System; Academy for Creative Media at the University of Hawaii at Manoa; Maui County Film Office; Hawaii Film and Entertainment Board; 'Ohina LLC; CBS Corporation; Screen Actors Guild – American Federation of Television and Radio Artists; HiMotion Cinema; Island Film Group; Grafik Films; Youth Art of Hawaii; Motion Picture Association of America; International Alliance of Theatrical State Employees, Local 665; Limelight Productions; NBC Universal; Brad Starks Photo LLC; Hawaii Teamsters and Allied Workers, Local 996; Hawaii Filmmakers Collective; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'; GVS Accelerator; Viacom; The Walt Disney Company; Kauai Film Commission; Ho'omanapono Political Action Committee; and one hundred thirty individuals. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the Department of Taxation and one individual.

Your Committee finds that from 2006 through 2018, the motion picture, digital media, and film production income tax credit delivered \$2.4 billion in estimated production spending, generated \$3.9 billion in estimated economic activity in the State since 2006, and created an average of nearly 3,000 industry jobs annually. The film industry is an important component of a diversified economy, and the income tax credit has been an instrumental incentive for motion picture, digital media, and film production in the State.

Your Committee further finds that the tax credit was originally established as the motion picture and film production income tax credit in 1997 and has been amended over the years. In 2006, the tax credit was expanded to, among other things, include digital media; however, a sunset date of January 1, 2016, was also established for the amendments made to the tax credit in 2006. In 2013, the tax credit was again amended, and the sunset date for amendments made in 2006, and since then, was extended to January 1, 2019. In 2017, the tax credit was again amended to extend the sunset date for amendments to January 1, 2026, and to establish a \$35 million cap on the total amount of tax credits allowed in any particular year. The cap, which applies to taxable years beginning after December 31, 2018, and is also subject to the January 1, 2026, sunset date, is a rolling cap that allows claims for a tax credit that exceed the amendments made to the tax credit in the subsequent year, under that year's cap, except in the final year of the tax credit. After the amendments made to the tax credit repeal, the tax credit will be reenacted in a previous form, without the cap, as the motion picture and film production tax credit.

Your Committee received testimony from the Department of Business, Economic Development, and Tourism indicating that the cap poses severe administrative challenges on the State Film Office due to insufficient staffing to handle the additional layers of accounting required to adequately administer the cap. This measure proposes to repeal the cap before the cap would have otherwise been repealed on January 1, 2026.

Your Committee has amended this measure by:

- (1) Making it apply to taxable years beginning after December 31, 2018; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 33, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 33, S.D. 2, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 467 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 198

The purpose and intent of this measure is to authorize counties to levy a county surcharge on transient accommodations tax (TAT) in their respective counties pursuant to certain conditions.

Your Committees received testimony in support of this measure from the Office of the Mayor of the City and County of Honolulu. Your Committees received testimony in opposition to this measure from the Honolulu County Republican Party. Your Committees received comments on this measure from the Department of Taxation, Office of the Mayor of the County of Maui, Office of the Mayor of the County of Hawaii, and Tax Foundation of Hawaii.

Your Committees find that the TAT is collected from hotels and other short-term lodgings that host guests for fewer than one hundred eighty days. TAT revenues help to pay for tourism-related expenditures, and a portion is allocated to the counties for their share of tourism-related costs. Your Committees also find that the State has experienced a growth in tourism and likewise tourism-related expenditures and impacts. This measure authorizes the counties to establish a surcharge on the TAT, which will help generate additional revenue to pay for rising expenditures to ensure that Hawaii remains a premier vacation destination, while also maintaining a high quality of life and resources for residents.

Your Committees have amended this measure by:

- (1) Inserting a blank cap on each county's surcharge on the transient accommodations tax;
- (2) Amending the method of designating the taxation district to which the county surcharge on transient accommodations tax is assigned; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 198, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 198, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Inouve).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

# SCRep. 468 (Joint) Energy, Economic Development, and Tourism and Technology on S.B. No. 272

The purpose and intent of this measure is to amend a definition of "solar energy device" to include building-applied photovoltaics and building-integrated photovoltaics and exclude passive solar skylights or windows, thereby clarifying the types of devices that are allowed to be installed on single-family residential dwellings and townhouses.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Hawaii Solar Energy Association.

Your Committees find that the existing statutory definition of "solar energy device" as used in section 514B-140(c), Hawaii Revised Statutes, needs to be updated so as to take into account the latest advancements in renewable energy technologies, such as electricity-producing photovoltaic windows. This measure clarifies and adds building-applied photovoltaics and building-integrated photovoltaics to the definition of "solar energy device", thereby specifically allowing installation of the photovoltaic systems on or in single-family residential dwellings and townhouses, subject to certain conditions.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 272 and recommend that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

# SCRep. 469 (Joint) Energy, Economic Development, and Tourism and Technology on S.B. No. 995

The purpose and intent of this measure is to appropriate funds into and out of the research and development special fund for the research and development program of the Hawaii Technology Development Corporation.

Your Committees received testimony in support of this measure from the Hawaii Technology Development Corporation, Hawaii Farm Bureau, Makai Ocean Engineering, Oceanit, and one individual.

Your Committees find that the Hawaii Technology Development Corporation is a key state agency in the development and support of initiatives that promote technology and innovation jobs in the State. In 2018, the Legislature provided funding for and made changes to the small business innovation research program. The Legislature supports continuation of the small business innovation research program as an important initiative of the State to assist Hawaii small businesses in advancing technology and developing new products. This measure appropriates funds for the research and development program, which will support and sustain the small business innovation research program operated by the Hawaii Technology Development Corporation.

Your Committees have amended this measure by:

- (1) Inserting language to require the Hawaii Technology Development Corporation to adopt rules to require a business that has received a research and development award to reimburse the State if that business relocates outside of Hawaii within five years of receiving the award; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 995, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 995, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 470 (Joint) Energy, Economic Development, and Tourism and Technology on S.B. No. 989

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Business, Economic Development, and Tourism.

Your Committees received testimony in support of this measure from the Hawaii Technology Development Corporation, Hawaii Strategic Development Corporation, Hawaii Tourism Authority, Hawaii Green Infrastructure Authority, Chamber of Commerce Hawaii, and Maui Chamber of Commerce. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Business, Economic Development, and Tourism in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committees have amended this measure by:

- Changing the means of financing for Item No. 3, Program ID BED105CI, Creative Lab coworking space and studio at the Entrepreneurs Sandbox and FTZ, to general funds;
- (2) Changing the funding amount for Item No. 17, Program ID BED138GI, funding for fringe benefits, to \$285,300 for fiscal years 2019-2020 and 2020-2021;
- (3) Revising Item No. 19 by adding the Program ID BED144, amending the program description to read, "funding for EDB to formulate a business plan", and indicating that the funding is to be provided as a grant-in-aid;
- (4) Removing Item No. 10, Program ID BED105CI, request reinstatement of Creative Lab funding, because it duplicates Item No. 4: and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees' intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committees request your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 989, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 989, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

# SCRep. 471 Energy, Economic Development, and Tourism on S.B. No. 1461

The purpose and intent of this measure is to require the Governor to enter into negotiations with the United States Department of Energy to establish a national laboratory in Hawaii.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development and Tourism; Hawaiian Electric Companies; and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that the United States Department of Energy's national laboratories have served as the leading institutions for scientific innovation in the United States for more than seventy years. The national laboratories tackle the critical scientific challenges of our time, from combating climate change to discovering the origins of our universe, and possess unique instruments and facilities, many of which are found nowhere else in the world. Your Committee further finds that establishing a national laboratory in Hawaii would strengthen the State's economy by attracting and retaining professionals in the science, technology, engineering, and math sectors and may assist the State in reaching its renewable energy goals.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1461 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 472 (Joint) Hawaiian Affairs and Housing on S.B. No. 1223

The purpose and intent of this measure is to make permanent session laws that require counties to issue affordable housing credits to the Department of Hawaiian Home Lands and affordable housing credits for each residential unit or vacant lot, if allowed under county affordable housing programs, developed by the Department of Hawaiian Home Lands.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands and one individual. Your Committees received testimony in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committees find that the State's need for more affordable housing is an immediate and ever-growing concern that must be addressed. Given the overwhelming need for affordable housing, your Committees find that providing multiple avenues for project development, including by the State, county, and through departments, is an important step toward increasing the State's affordable housing inventory. However, your Committees have heard concerns in testimony that this measure extends Department of Hawaiian Home Lands' affordable housing resources in a manner that is at odds with long term planning to develop affordable housing at the county level. Your Committees conclude that amendments to this measure are necessary to provide the Department of Hawaiian Home Lands and the counties with time to reconcile their affordable housing development plans, if possible.

Your Committees have amended this measure by:

- (1) Extending Act 141, Session Laws of Hawaii 2009, as amended, and Act 98, Session Laws of Hawaii 2012, as amended, until July 1, 2024, rather than making them permanent; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1223, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1223, S.D. 1, and be referred to your Committees on Public Safety, Intergovernmental, and Military Affairs and Ways and Means.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella). Housing: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 473 (Joint) Hawaiian Affairs and Housing and Water and Land on S.B. No. 1224

The purpose and intent of this measure is to exclude lands set aside by the Governor to the Hawaii Public Housing Authority, and lands to which the Hawaii Public Housing Authority holds title, from the definition of "public lands" under the jurisdiction of the Board of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority and one individual.

Your Committees find that the Hawaii Public Housing Authority titled lands were previously exempt from the definition of "public lands" under section 171-2, Hawaii Revised Statutes, when those lands were held by the Authority's predecessor agencies, the Housing and Community Development Corporation of Hawaii and the Hawaii Housing Authority. After the Housing and Community Development Corporation of Hawaii was bifurcated into two separate agencies, an exemption for Hawaii Public Housing Authority titled lands was inadvertently excluded from the list of lands exempt from the definition of "public lands" under section 171-2, HRS.

Your Committees further find that the Hawaii Public Housing Authority is authorized to acquire, own, and hold real property pursuant to section 356D-8, HRS, and its federal low-income public housing properties are under a federal annual contributions contract with the federal government. Thus, its titled lands do not fall under the jurisdiction of the State's public lands and should be exempt from the definition of "public lands" and the jurisdiction of the Board of Land and Natural Resources to avoid delays in redevelopment projects.

Your Committees have amended this measure by:

- (1) Clarifying that lands set aside by the Governor to the Hawaii Public Housing Authority and lands to which the Authority holds title are exempt from public lands under the oversight of the Board of Land and Natural Resources, provided that the Authority shall not sell those lands in fee simple; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that removing the Hawaii Public Housing Authority from oversight of the Board of Land and Natural Resources has raised some concerns about possible unintended consequences and stakeholders will continue to work with the Hawaii Public Housing Authority to clarify those issues in ongoing discussions as this measure moves forward.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs, Housing, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1224, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1224, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella). Housing: Ayes, 5. Noes, none. Excused, none. Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 474 Commerce, Consumer Protection, and Health on S.B. No. 674

The purpose and intent of this measure is to prohibit persons licensed to provide professional counseling from advertising or engaging in gender identity change efforts.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Civil Rights Commission, Hawai'i Psychological Association, Hawai'i Health and Harm Reduction Center, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, Mental Health America of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and fifteen individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that conversion therapy is an odious practice that can result in substantial harm to transgender and LGBTQ+persons, and there is broad consensus among medical, psychiatric, and health professionals on the dangers of this form of intervention. The potential risks of "reparative therapy" include depression, anxiety, and self-destructive behavior. A therapist aligned with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Your Committee notes that this measure is a housekeeping measure that is the product of a task force led by the Adolescent Mental Health Division of the Department of Health and makes it clear that the ban on these destructive procedures applies equally to efforts to change the sexual orientation of lesbian, gay, or bisexual minors and efforts to change the gender identity of transgender minors.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 674 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

#### SCRep. 475 (Joint) Commerce, Consumer Protection, and Health and Higher Education on S.B. No. 1404

The purpose and intent of this measure is to appropriate funds to the Department of Health in coordination with the John A. Burns School of Medicine of the University of Hawaii at Manoa for the health care provider loan repayment program, provided that the funds are matched on a dollar-for-dollar basis by a private or another public source.

Your Committees received testimony in support of this measure from the Department of Health, University of Hawai'i System, Hawai'i State Center for Nursing, East Hawaii Region of Hawaii Health Systems Corporation, Hilo Medical Center Foundation, Lanai Community Health Center, Office of the Mayor for the County of Hawai'i, Hawaii Medical Association, Hawaii Medical Service Association, Healthcare Association of Hawaii, Hawaii Pacific Health, The Queen's Health Systems, Hawai'i Primary Care Association, Hawaii State Rural Health Association, Rural Health Interest Group at the John A. Burns School of Medicine, and twenty-seven individuals.

Your Committees find that Hawaii is experiencing a shortage of approximately eight hundred doctors, and almost all other types of primary care and behavioral health care workers. This shortage is most acute for those on neighbor islands and in rural areas. Your Committees further find that one of the fastest and least expensive methods for recruiting health care providers is through a loan repayment program. The Hawaii state loan repayment program administered through the John A. Burns School of Medicine, has helped forty-three health care providers since its inception in 2012. Of the program graduates, almost two-thirds are still practicing in underserved areas of the State.

Your Committees also find that the average student loan indebtedness for John A. Burns School of Medicine residents and fellows exceeds \$235,000. These residents and fellows begin repayment on their loans while in residency training and this, together with the high cost of living and other expenses in the State, results in few physicians choosing primary care specialties or practicing in underserved or rural communities in Hawaii. This measure continues the health care provider loan repayment program benefits in exchange for the commitment to serve in rural, neighbor island populations, which will help reduce the health care provider shortages in those areas.

Your Committees have amended this measure by:

- (1) Expanding the eligible health care professionals under the health care provider loan repayment program to include advanced practice registered nurses, registered nurses, and licensed social workers; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1404, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1404, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Nishihara). Higher Education: Ayes, 5. Noes, none. Excused, none.

# SCRep. 476 Commerce, Consumer Protection, and Health on S.B. No. 285

The purpose and intent of this measure is to appropriate funds for the Department of Commerce and Consumer Affairs.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, and one individual.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium. Your Committee notes that according to the testimony from the

Department of Commerce and Consumer Affairs, the Department's total base budget is \$83,856,490 for fiscal years 2019-2020 and 2020-2021.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by clarifying that the source of funding for the Department of Commerce and Consumer Affairs is special, rather than general, funds.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 285, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 285, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

#### SCRep. 477 Commerce, Consumer Protection, and Health on S.B. No. 895

The purpose and intent of this measure is to extend the offense of false labeling of Hawaii-grown coffee to include roasted coffee.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Coffee Association; Greenwell Farms, Inc.; Rusty's Hawaiian, LLC; Ka'u Mountain Farm; MauiGrown Coffee, Inc.; Maui Coffee Association; Kona Coffee Farmers Association; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual.

Your Committee finds that legitimate coffee producers who offer high quality products grown in Hawaii are at a competitive disadvantage when counterfeited, foreign-grown coffee is blatantly mislabeled as Hawaii-grown and offered at a lower price. This provides counterfeiters an imbalanced windfall, artificially creates downward price pressure for local growers, and shrinks their margins. Under existing law, counterfeiters can ship roasted coffee without the ability of the Department of Agriculture to challenge the authenticity of origin. However, new technologies and methodologies are now available to definitively prove where coffee is grown, both in roasted and green forms. This measure closes an important loophole to help protect the integrity of the Hawaii coffee industry by extending the offense of false labeling of Hawaii-grown coffee to roasted coffee.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 895 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 478 Commerce, Consumer Protection, and Health on S.B. No. 1325

The purpose and intent of this measure is to clarify that condominium associations may invest in government money market funds.

Your Committee received testimony in support of this measure from the Hawaii Bankers Association, Associa, and one individual.

Your Committee finds that existing law allows associations to invest only in certain securities, so that money collected from unit owners can be prudently invested. Government money market funds are mutual funds composed solely of government obligations. Mutual funds with government obligations often invest their excess cash in a sub-fund or funds. This enables the mutual fund to give associations a greater return than holding cash, while allowing the overlying fund to remain liquid enough to invest directly into government obligations when excess cash accumulates sufficiently or the market factors direct investment. This measure modernizes state law for consistency with the federal Securities and Exchange Commission regulations and allows condominium associations to invest in mutual funds.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1325 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 479 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 531

The purpose and intent of this measure is to make financial exploitation of an elder by a caregiver a Class A felony.

Your Committees received testimony in support of this measure from the Office of the Prosecuting Attorney, County of Hawai'i; Department of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Police Department; Hawaii Credit Union League; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and five individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that there is a growing trend of financial exploitation of an elder by a caregiver. Caregivers gain extensive knowledge of their client's financial situation during the course of their work and in cases where an elderly person is dependent on a caregiver for physical and social support, the elderly person can be particularly vulnerable to financial exploitation. Financial exploitation of the elderly often causes permanent damage, as they are typically unable to rejoin the workforce to rebuild their finances. Furthermore, abuse by caregivers can leave victims isolated and vulnerable and unwilling to trust another caregiver, resulting in diminished quality of life.

Your Committees have heard the concerns raised in testimony that elders are only one segment of a larger population of vulnerable adults that rely on caregivers and are therefore prey to financial exploitation. All vulnerable adults reliant on caregivers share the exposure to and consequences of financial exploitation by caregivers.

Accordingly, your Committees have amended this measure by:

- Clarifying that the offense established by this measure is financial exploitation of a vulnerable person, rather than an elderly
  person, and making associated conforming amendments;
- (2) Amending the elements of the offense of financial exploitation and definition of "caregiver" for consistency with the existing definitions of "caregiver" and "financial exploitation" in chapter 346, Hawaii Revised Statutes;
- (3) Updating its purpose section; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 531, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 531, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella). Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

#### SCRep. 480 Housing on S.B. No. 122

The purpose and intent of this measure is to prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real property transactions and requirements.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Public Housing Authority, Hawaii Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that low-income individuals experience extreme difficulty in finding affordable rentals in Hawaii and are often faced with discrimination based on their source of income. Your Committee further finds that there have been numerous cases of housing vacancy advertisements proclaiming that they do not accept section 8 housing voucher recipients as potential tenants. Your Committee also finds that Hawaii currently does not prohibit housing discrimination based on lawful sources of income, including the use of housing vouchers, whereas ten states and the District of Columbia do. This measure will address a key barrier to housing for many low-income and homeless individuals and families by prohibiting discrimination against any individual based on their source of income.

Your Committee recognizes the concern expressed by the Department of Commerce and Consumer Affairs that it is not the appropriate agency to produce and publicize materials relating to housing discrimination based on income received from housing assistance programs. Your Committee therefore finds that an amendment is necessary to correct this requirement.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language, as suggested by the Hawai'i Civil Rights Commission, establishing remedies for discrimination based on participation, or requirements related to participation, in a housing assistance program and clarifying that these remedies only apply to discrimination based on participation, or requirements related to participation, in a housing assistance program;
- (2) Removing the Department of Commerce and Consumer Affairs' responsibility and requiring only the Hawai'i Civil Rights Commission to produce materials and publicize the prohibition against discrimination based on participation, or requirements related to participation, in housing assistance programs; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 122, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 122, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kanuha).

# SCRep. 481 Housing on S.B. No. 1312

The purpose and intent of this measure is to increase the Hula Mae multifamily revenue bond authorization.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Hawai'i Association of REALTORS.

Your Committee finds that the Housing Loan and Mortgage program, more commonly known as the Hula Mae multifamily bond program, promotes the development of new, or the acquisition and rehabilitation of existing, rental housing projects through the issuance of mortgage revenue bonds for interim and permanent financing at rates below conventional market interest rates. Your Committee notes that over the last few years, the Hula Mae multifamily bond program has become increasingly popular for nonprofit

and for-profit developers of affordable rental housing. This measure would provide more opportunities to develop affordable rental housing by increasing the Hula Mae multifamily revenue bond authorization.

Your Committee has amended this measure by:

- (1) Changing the revenue bond amount from \$2,500,000,000 to a blank amount;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee recommends that your Committee on Ways and Means consider a maximum revenue bond authorization amount of \$2,500,000,000 for the Hula Mae multifamily program.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1312, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1312, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kanuha).

#### SCRep. 482 Housing on S.B. No. 1189

The purpose and intent of this measure is to:

- (1) Make technical and housekeeping amendments to Act 150, Session Laws of Hawaii 2018; and
- (2) Appropriate funds out of the dwelling unit revolving fund for the acquisition of the ground lease of Front Street Apartments in Lahaina, Maui.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual. Your Committee received comments on this measure from the Front Street Affordable Housing Partners.

Your Committee finds that the tenants of the Front Street Apartments are facing an August 2019 deadline by the building owner, who plans to raise the rents to market-level prices, removing its status as affordable housing and effectively evicting the tenants. This measure authorizes the Hawaii Housing Finance and Development Corporation to expend an unspecified amount from the dwelling unit revolving fund for the acquisition of the ground lease of the Front Street Apartments, as part of its effort to develop and preserve affordable rental housing in the County of Maui.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1189, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kanuha).

## SCRep. 483 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1466

The purpose and intent of this measure is to reduce gun deaths and injuries in the State by establishing a detailed process that allows a law enforcement officer or family or household member to obtain a court order to prevent a person from accessing firearms and ammunition if the person poses a danger of causing bodily injury to the person or another.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii State Coalition Against Domestic Violence, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Injury Prevention Advisory Committee, Everytown for Gun Safety, Moms Demand Action Oahu Chapter, Moms Demand Action for Gun Sense, and over thirty individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association, Institute for Rational and Evidence-based Legislation, Hawaii Leaders Shooters Legion, Waianae Hunting Association, Hawaii Rifle Association, and over one hundred fifty individuals. Your Committee received comments on this measure from the Judiciary, American Civil Liberties Union, and one individual.

Your Committee finds that California, Oregon, Washington and numerous other states have already implemented gun violence protection laws allowing for a family or household member to file a petition for the temporary removal of guns from an individual who shows clear and convincing signs of planning to use these guns to commit violent acts.

Your Committee further finds that pursuant to section 134-7, Hawaii Revised Statutes, police already have authority to take custody of a person's firearms and ammunition upon issuance of a restraining order or order of protection by any court if the court finds that the person may use a firearm to threaten, injure, or abuse any person. However, the statute does not address preventive actions that may be taken by law enforcement or a family or household member of an individual who shows clear and convincing signs of planning to use firearms to commit violent acts. Your Committee believes that a more comprehensive law is needed.

Your Committee has amended this measure by:

- (1) Allowing the courts to order a surrender of firearms under either a domestic abuse or gun violence protective order;
- (2) Consolidating the filing of a petition for a gun violence protective order with the ex parte motion for a gun violence protective order:
- (3) Eliminating the requirement that a petitioner must notify all adult family or household members of the petition;
- (4) Requiring a police officer to confiscate the firearm when notice of the petition is served;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the Judiciary raised multiple issues in its testimony, including the need for increased funding to implement the additional court procedures created in this measure and the desire to conduct more research for your Committee on Judiciary.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1466, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1466, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 484 (Joint) Public Safety, Intergovernmental, and Military Affairs and Higher Education on S.B. No. 1343

The purpose and intent of this measure is to:

- Require compliance with the federal Military Selective Service Act to be eligible for enrollment in a state-supported postsecondary educational institution, qualify for state financial assistance for post-secondary education, or be eligible for state or county employment or service; and
- (2) Provide certain exceptions.

Your Committees received testimony in support of this measure from the Hawaii Headquarters of the Selective Service System and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Civil Rights Commission, University of Hawaii System, Libertarian Party of Hawaii, and one individual.

Your Committees find that the United States Congress enacted the United States Military Selective Service Act in order to ensure that sufficient strength in armed forces exists in the nation to ensure national security, while simultaneously sharing the obligations and privileges of serving in the armed forces and the reserve components of the military through a system of selection that is just and fair. Your Committees further find that the United States Military Selective Service Act requires all male citizens and males residing in the United States, except for lawfully admitted non-immigrants, to register with the Selective Service System upon reaching the age of eighteen. This measure establishes compliance with the federal Military Selective Service Act as a prerequisite for participation in numerous state-supported programs, positions, and benefits.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1343 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 485 (Joint) Public Safety, Intergovernmental, and Military Affairs and Housing on S.B. No. 517

The purpose and intent of this measure is to require each county to prepare a housing supply plan to plan for projected increases in the State's housing supply to meet housing demands of the respective county, identify and analyze existing and projected housing needs for all income levels, and identify adequate sites for housing, including rental housing.

Your Committees received testimony in support of this measure from the Building Industry Association of Hawaii, Hawaiian Community Assets, and Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting.

Your Committees find that there is a severe shortage of affordable housing in Hawaii, and the shortage places an immense strain on lower-income households. As several government studies have concluded that the State does not have and is not producing enough new housing units to meet normal population growth projections to 2025, it is critical for the counties to also take initiative in increasing the production of housing to meet the anticipated housing demands in their respective counties. This measure requires the counties to be proactive in planning for new housing at all price points to meet anticipated demand.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 517 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Harimoto).

Housing: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

#### SCRep. 486 (Joint) Public Safety, Intergovernmental, and Military Affairs and Housing on S.B. No. 1302

The purpose and intent of this measure is to appropriate funds for disaster relief, recovery, mitigation, and remediation activities for the County of Hawai'i.

Your Committees received testimony in support of this measure from the Office of the Governor; Hawaii Emergency Management Agency; Department of Agriculture; three members of the Hawai'i County Council; County of Hawai'i Department of Research and Development; Hawaiian Electric Company, Inc.; Kapoho Land Partnership; Hawaiian Community Assets; Kohala Coast Resort Association; Hawaii Habitat for Humanity Association; Habitat for Humanity Hawai'i Island; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; HOPE Services Hawai'i; and ten individuals.

Your Committees find that state assistance is needed for relief, recovery, mitigation, and remediation from the presidentially-declared Kilauea eruption major disaster in the County of Hawai'i. The scale of the relief, recovery, mitigation, and remediation exceeds the County of Hawai'i's capacity. Even with federal disaster assistance, the County of Hawai'i will need assistance to provide the local match to federal funding and to address recovery, mitigation, and remediation needs beyond what federal programs cover.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1302 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Harimoto).

Housing: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 487 (Joint) Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment on S.B. No. 381

The purpose and intent of this measure is to require the counties to adopt supplemental rules governing condominium property regimes, including agricultural lands held in condominium property regimes.

Your Committees received testimony in support of this measure from the Office of Planning, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Cattlemen's Council. Your Committees received comments on this measure from the Land Use Commission, Department of Agriculture, and Land Use Research Foundation of Hawaii.

Your Committees find that better enforcement of agricultural uses on agricultural lands needs to be implemented. Your Committees therefore find that by requiring counties to adopt supplemental rules governing agricultural lands, this measure will help protect Hawaii's agricultural lands against encroachment of non-agricultural uses such as residential development that has little or no connection to bona fide farming activities.

Your Committees have amended this measure by requiring the counties to adopt supplemental ordinances, in addition to rules, to ensure conformance with applicable zoning and state land use restrictions and any applicable development permit approvals.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 381, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 381, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 488 (Joint) Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism on S.B. No. 154

The purpose and intent of this measure is to amend the existing state fireworks law by authorizing the use of fireworks by permit for film and theatrical productions and authorizing law enforcement to test, dispose of, or destroy illegal or unwanted fireworks.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, County of Hawai'i Fire Department, and the County of Maui Department of Fire and Public Safety. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism and Honolulu Police Department.

Your Committees find that the illegal use of fireworks is a significant public health threat and causes a host of problems including undue stress and discomfort due to noise pollution, numerous fires, and injuries ranging from minor to life-threatening. Your Committees further find that allowing law enforcement agencies to test, dispose, or destroy confiscated fireworks without a permit enhances public safety and property protection.

Your Committees further find that Hawaii is a popular filming location for various feature films and television series. The film industry often uses pyrotechnics as part of special effects and stunts, and permits are already available for the use of aerial devices, display fireworks, and articles pyrotechnic for display activities, which include movie and television productions. However, an exemption for film and theatrical productions with a valid fireworks permit from certain general prohibited uses of fireworks, found in section 132D-5, Hawaii Revised Statutes, such as throwing ignited fireworks at a vehicle and exploding fireworks from above the first floor of a building, would give film and theatrical productions greater creative freedom to use pyrotechnics in their craft.

Your Committees note that since the terms "movie" and "television production" are already defined in the state fireworks law, use of those terms instead of "film" may be more appropriate throughout this measure.

Your Committees have amended this measure accordingly by replacing references to "film" with "movie" and "television".

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 154, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 154, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

# SCRep. 489 (Joint) Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism on S.B. No. 609

The purpose and intent of this measure is to create the Homeland Security and Resiliency Council to identify electric grid and other critical infrastructure needs and provide recommendations for enhancing grid and critical infrastructure resiliency throughout the State.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Defense, Hawaiian Electric Company and its subsidiaries, Hawaiiia Gas, Young Brothers, and Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii. Your Committees received comments on this measure from the Office of Planning, Honolulu Board of Water Supply, and Life of the Land.

Your Committees find that Hawaii is susceptible to natural disasters like flooding, hurricanes, and storm surges. Your Committees also find that critical infrastructure resiliency is particularly important due to the State's remote location and a resilient electric grid is a critical component to the State's ability to overcome a natural disaster.

Your Committees further find that creating a Homeland Security and Resiliency Council to identify electric grid and other critical infrastructure needs and provide recommendations for enhancing grid and critical infrastructure resiliency throughout the State is imperative as the frequency and intensity of natural disasters are on the rise.

Your Committees have amended this measure by:

- (1) Adding representatives of each gas utility company that operates in the State to the individuals to be invited to join the Homeland Security and Resiliency Council;
- (2) Adding representatives of each water carrier that operates between points in the State to the individuals to be invited to join the Homeland Security and Resiliency Council;
- (3) Making the Administrator of the Hawaii State Energy Office the co-chair, in lieu of the Director of the Office of Planning, on the Homeland Security and Resiliency Council;
- (4) Amending the definition of "critical infrastructure sector" to include the sectors of gas energy and interisland transport of property by water; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 609, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 609, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

# SCRep. 490 (Joint) Judiciary and Government Operations on S.B. No. 128

The purpose and intent of this measure is to:

- (1) Clarify that the Attorney General shall not represent the Legislature and individual legislators acting in their official capacity;
- (2) Require the respective house to provide legal representation for any member who is sued in the member's official capacity unless the member declines such representation.

Your Committees received testimony in support of this measure from one individual.

Your Committees find that the Attorney General is the chief legal officer and chief law enforcement officer of the State of Hawaii. Your Committees further find that the Department of the Attorney General defends and represents state officials and employees when they are sued for actions they have taken in connection with their state positions. This measure is intended to clarify the circumstances in which the Department of the Attorney General represents the Legislature, a house of the Legislature, or individual legislators, and provides for contingent legal representation if legislators decline representation by the Department of the Attorney General.

Accordingly, your Committees have amended this measure by:

- (1) Requiring the Attorney General to represent the Legislature, a house of the Legislature, or individual legislators unless the Legislature, house of the Legislature, or individual legislators decline representation;
- (2) Clarifying that, if individual legislators subject to a suit arising from acts or omissions made in the course and scope of employment decline representation by the Attorney General, the respective house of the Legislature is required at their own

cost to provide legal representation for those members unless the legislators decline representation by the respective house;

(3) Requiring each house of the Legislature to establish rules providing for legal representation.

As affirmed by the records of votes of the members of your Committees on Judiciary and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 128, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 128, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Fevella).

Government Operations: Ayes, 3; Ayes with Reservations (Inouye, Kanuha). Noes, none. Excused, 2 (Baker, Fevella).

## SCRep. 491 Agriculture and Environment on S.B. No. 422

The purpose and intent of this measure is to:

- (1) Mandate the Department of Health to adopt and implement the recommendations made by the Office of the Auditor regarding the advance disposal fee program and deposit beverage container program;
- (2) Require the Department of Health to report on its implementation of the recommendations to the Legislature; and
- (3) Appropriate funds to the Department of Health to conduct a cost-benefit analysis of combining the advance disposal fee glass container and deposit beverage container glass processing streams.

Your Committee received testimony in support of this measure from the Sierra Club of Hawai'i and one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that glass recycling in the State is subsidized by two programs; non-deposit glass recycling is subsidized by the advanced disposal fee program, and deposit beverage container glass recycling is subsidized by the deposit beverage container program. Each program requires that its glass be processed and marketed separately.

Your Committee further finds that the Legislature adopted S.C.R. No. 74, S.D. 1, H.D. 1, Regular Session of 2014, which requested the Office of the Auditor to conduct an audit of the Department of Health's advance disposal fee program. The Office of the Auditor recommended that the Department of Health consider combining the processing streams of the two programs to increase efficiency and decrease costs, while also increasing the supply of glass available for down-cycling. Your Committee notes that it was also recommended that the Department of Health update and finalize the 2008 Department of Health draft policy on glass recycling. This measure will require the Department of Health to adopt the recommendations of the Auditor, thereby increasing efficiency and decreasing costs for the State's benefit.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 422 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 492 (Joint) Higher Education and Hawaiian Affairs on S.B. No. 938

The purpose and intent of this measure is to appropriate funds for four full-time positions (4.0 FTE) for services and programs for Native Hawaiian Student Services at the University of Hawaii at Manoa.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Native Hawaiian Student Services at the University of Hawai'i at Mānoa, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and ten individuals.

Your Committees find that Native Hawaiian Student Services at the University of Hawaii at Manoa prepares Native Hawaiian students to build upon a legacy of excellence, with creativity and confidence, in order to fulfill the kuleana of their time, thereby leading Hawaii into a thriving and life-affirming future. Additionally, Native Hawaiian Student Services programs are designed to improve institutional access, student-faculty engagement, research, leadership, and student success, by fostering Hawaiian identities and cultivating Hawaiian scholarship. Your Committees further find that Native Hawaiian Student Services is supported by a federal grant that expires in 2019. As the number of Native Hawaiian students attending the University of Hawaii at Manoa continues to rise, this measure ensures the furtherance of the work of Native Hawaiian Student Services in providing academic support for and improving access and persistence of Hawaiian students at the university.

As affirmed by the records of votes of the members of your Committees on Higher Education and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 938 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Kahele).

# SCRep. 493 (Joint) Housing and Water and Land on S.B. No. 498

The purpose and intent of this measure is to require all development or redevelopment plans of state agencies to include affordable housing units with at least 20 percent reserved for residents with an income of less than or equal to 80 percent of the area median income, unless the Office of Planning determines that housing is not feasible or desirable on a particular property.

Your Committees received testimony in support of this measure from the Office of Planning, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committees find that the State is in critical need of the development and construction of affordable housing units. Your Committees further find that the transit-oriented development associated with the construction of a rail transit system on Oahu has the potential to fulfill a housing goal of developing at least 22,500 affordable rental housing units by 2026. Your Committees believe that requiring an affordable housing component as part of development and redevelopment of state properties along the rail transit line will increase the affordable housing stock and encourage use of the transit system. This measure will assist in focusing the State's efforts on affordable housing.

Your Committees have amended this measure by:

- (1) Inserting a blank percentage of affordable housing units that must be reserved for residents with an income less than or equal to eighty percent of the area median income; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 498, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 498, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5. Noes, none. Excused, none. Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

# SCRep. 494 (Joint) Housing and Water and Land on S.B. No. 710

The purpose and intent of this measure is to clarify that lands set aside to the Hawaii Housing Finance and Development Corporation (HHFDC) by the Governor or leased to HHFDC by other state agencies are exempt from the definition of "public lands".

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation. Your Committees received comments on this measure from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Your Committees find that the State is going through a severe shortage of affordable housing. Your Committees further find that under existing law, only lands to which HHFDC holds title is exempt from the definition of "public lands"; therefore, the exemption does not take into consideration other forms of lands that HHFDC is developing. This measure would expand the exemption to include lands that the Governor has set aside to HHFDC or lands that were leased to HHFDC by another state agency, thereby expediting the development of housing on state public lands.

Your Committees have amended this measure by:

- (1) As suggested by the Office of Hawaiian Affairs, subjecting lands that are set aside to HHFDC by the Governor and lands that are leased to HHFDC by other state agencies to legislative approval prior to sale or gifts; and
- (2) Requiring any disposition of land by HHFDC to the public to be subject to chapter 171, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 710, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 710, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 5. Noes, none. Excused, none. Water and Land: Ayes, 4; Ayes with Reservations (Keith-Agaran). Noes, none. Excused, 1 (Nishihara).

#### SCRep. 495 (Joint) Housing and Water and Land on S.B. No. 1190

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation (HHFDC) to enter into ninety-nine year leases of units in residential condominiums located on state lands.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; and Building Industry Association of Hawaii. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that there is a severe shortage of affordable housing available in the State. Your Committees further find that developing state lands can be a potential solution to the housing shortage. Allowing HHFDC to sell leasehold units in condominiums on state land to qualified residents will provide homeownership opportunities to Hawaii residents without necessitating the sale of the state land in fee simple. Your Committees also find that most residential developments on leasehold lands require extended lease terms to make projects economically feasible.

Your Committees note the concern of the Office of Hawaiian Affairs regarding the length of the 99-year lease and the Office's request for a more reasonable lease term. Your Committees also note the Office of Hawaiian Affairs' concern regarding the complete exemption of lands set aside by the Governor or lands leased to HHFDC by other state agencies from all public land requirements.

Accordingly, your Committees have amended this measure by:

- (1) As suggested by the Office of Hawaiian Affairs:
  - (A) Reducing the lease term length from 99 years to 75 years; and

- (B) Subjecting state lands set aside by the Governor to the HHFDC and lands leased to HHFDC by any department or agency of the State to legislative approval requirements prior to the sale or gift of the lands; and
- (2) By making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1190, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1190, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 4; Ayes with Reservations (Keith-Agaran). Noes, none. Excused, 1 (Nishihara).

## SCRep. 496 (Joint) Housing and Water and Land on S.B. No. 1387

The purpose and intent of this measure is to appropriate funds to the Hawaii Housing Finance and Development Corporation for low-interest home construction and home improvement loans of Ahupua'a 'O Kahana State Park residential leases.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation. Your Committees received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that Ahupua'a 'O Kahana State Park cannot realize its potential as a living park or a public resource until certain conflicts are resolved, which include the vision and management of the park, unfulfilled requirements for interpretive hours, defaulted mortgage payments, and the status of certain leases. Your Committees further find that the concept of a living park was established in 1971, and the Board of Land and Natural Resources issued leases with a term of sixty-five years to thirty-one families living in Kahana. A 1986 Attorney General opinion states that residents are allowed to live in Kahana only if they are part of the interpretive programs in the living park. Your Committees find that several families are current on their service hours, but many are in serious arrears. This measure would provide further financial assistance to those who need it to maintain their residency in the Ahupua'a 'O Kahana State Park.

Your Committees have amended this measure by:

- (1) Inserting a blank appropriation amount and blank maximum amount per loan available to any eligible holder of a Kahana Valley State Park residential lease;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1387, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1387, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 4. Noes, none. Excused, 1 (Thielen). Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

# SCRep. 497 (Joint) Water and Land and Hawaiian Affairs on S.B. No. 191

The purpose and intent of this measure is to:

- (1) Codify the accounting and reporting requirements set forth in section 5 of Act 178, Session Laws of Hawaii 2006, with modifications to:
  - (A) Emphasize that the University of Hawaii is subject to the requirements;
  - (B) Emphasize that all public land trust receipts must be accounted for, including those receipts that a department or agency believes may not be subject to the Office of Hawaiian Affairs' pro rata share; and
  - (C) Require the Department of Land and Natural Resources to consult with the Office of Hawaiian Affairs to ensure that the accounting is accurate and inclusive; and
- (2) Require certain explanations and determinations regarding the amount of receipts transferred to the Office of Hawaiian Affairs.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii Farmers Union, Connections Public Charter School, Hoʻomanapono Political Action Committee, Association of Hawaiian Civic Clubs, Prince Kūhiō Hawaiian Civic Club, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Kuaʻāina Ulu ʻAuamo, Kamehameha Schools, Council for Native Hawaiian Advancement, and one individual. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources and Center for Hawaiian Sovereignty Studies.

Your Committees find that state law provides that twenty percent of all funds derived from the public land trust shall be expended by the Office of Hawaiian Affairs for the purposes of chapter 10, Hawaii Revised Statutes. Your Committees further find that Act 178, Session Laws of Hawaii 2006 (Act 178), was enacted with the intent to ensure that an adequate amount of income and proceeds is made available to the Office of Hawaiian Affairs as its pro rata portion of public land trust revenues; however, deficiencies in reporting and accountability have been identified by the Office of Hawaiian Affairs and its contractors over several recent years, including the State's failure to fully account for all gross receipts from the public land trust and the State's apparent reluctance to completely report the public land trust receipts of certain agencies, including the University of Hawaii. Your Committees therefore find that it is now in

the best interests of the Office of Hawaiian Affairs, its beneficiaries, the State, and all citizens of Hawaii to clarify, supplement, and codify the reporting and accountability procedures that have been used to implement Act 178.

Your Committees have amended this measure by:

- (1) Replacing the Department of Land and Natural Resources with the Department of Budget and Finance as the lead agency;
- (2) Moving the statutory placement of the new section to chapter 37, Hawaii Revised Statutes, relating to the budget, rather than chapter 171, Hawaii Revised Statutes, relating to public lands;
- (3) Establishing one full-time equivalent (1.0 FTE) public land trust reporting and accountability officer position in the Department of Budget and Finance to ensure compliance with the public land trust reporting and accounting requirements;
- (4) Requiring the Department of Budget and Finance to request funding in its operating budget every fiscal year for the public land trust reporting and accountability officer position;
- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees request that your Committee on Ways and Means consider establishing a matching public land trust reporting and accountability officer position in the Office of Hawaiian Affairs to collaborate with the public land trust reporting and accountability officer in the Department of Budget and Finance. Additionally, your Committees request your Committee on Ways and Means to determine the proper appropriation amount and consider whether alternative sources of funding may be appropriate for the position.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 191, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 191, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 498 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1064

The purpose and intent of this measure is to, in any county where one-third or less of the county's land is classified in the state agricultural district, prohibit:

- (1) The creation of a condominium property regime on agricultural land twenty-five acres or greater;
- (2) An existing condominium property regime on agricultural land greater than twenty-five acres from being amended to allow a single-family dwelling; and
- (3) The subdivision of agricultural land twenty-five acres or greater for the purpose of creating a condominium property regime.

Your Committees received testimony in support of this measure from Hawaii's Thousand Friends, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals. Your Committees received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii. Your Committees received comments on this measure from the Office of Planning and Department of Agriculture.

Your Committees find that agricultural lands are a limited resource within the State that should be used for agricultural purposes. Currently, the condominium property regime process may be used to subdivide large agricultural lots into parcels that are too small for agricultural purposes, thus leading to the development of "gentleman farms", which are low density, large subdivisions. Your Committees further find that this use of the condominium property regime process allows for significant abuse and costs to the State and counties, and limits the public's right to have impacts reviewed and mitigated; therefore, your Committees support limitations on the use of the condominium property regime process on certain agricultural lands.

Your Committees have amended this measure by:

- (1) Inserting language to exempt agricultural park and non-agricultural park lands projects under chapter 166 or 166E, Hawaii Revised Statutes, respectively, from the condominium property regime prohibitions proposed by this measure;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1064, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1064, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

# SCRep. 499 (Joint) Water and Land and Transportation on S.B. No. 1253

The purpose and intent of this measure is to decriminalize traffic infractions within natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committees received testimony in opposition to this measure from Animal Rights Hawai'i.

Your Committees find that this measure will simplify the resolution of traffic violations occurring on certain state lands, reduce efforts and resources expended to resolve minor traffic violations, and ensure that police, prosecutorial, and judicial resources are focused on the most serious criminal offenses.

Your Committees have amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1253, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1253, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran). Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 500 (Joint) Water and Land and Transportation on S.B. No. 1256

The purpose and intent of this measure is to:

- Amend the fines and clarify criminal penalties for destroying or harvesting trees or tree products, including koa, on state forest reserve lands and add criminal penalties for violating laws or rules relating to forest reserves;
- (2) Decriminalize traffic infractions within forest reserves and sets fine amounts; and
- (3) Repeal the general penalty provision in chapter 183, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that the current fines for destroying or harvesting trees, including koa, on state forest reserve lands are inadequate compared to the current market value of the trees and the costs associated with restoration or replacement of the trees and damages caused by their destruction or harvest. An adjustment in fines is warranted to deter the illegal harvesting and destruction of natural resources within state forest reserves. Your Committees further find that establishing a criminal penalty for certain conservation and resource violations strengthens the Department of Land and Natural Resources' enforcement capabilities and offers additional protection of the State's natural resources.

Your Committees have amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1256, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1256, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran). Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 501 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1327

The purpose and intent of this measure is to require the Department of Land and Natural Resources, in collaboration with the county councilmember representing the south Maui residency area, Kihei Community Association, and 'Aha Moku O Kula Makai, to develop a master plan to expand public access to the shoreline in south Maui, particularly state-owned land.

Your Committees received testimony in support of this measure from one member of the Maui County Council, the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources and 'Aha Moku 'O Kula Kai.

Your Committees find that public access to the shoreline is an important common law right shared and enjoyed by Hawaii residents and visitors alike; however, there is a parcel of state-owned land in south Maui that lacks adequate shoreline access. This measure requires relevant stakeholders to engage in planning to ensure that this access concern is remedied.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1327 and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 502 Commerce, Consumer Protection, and Health on S.B. No. 536

The purpose and intent of this measure is to clarify that the existing law intended to curb over-access to and abuse of opioids, including the time frame for filling prescriptions, supply limitations, and requirements to check the state electronic prescription accountability system and execute an informed consent process, does not apply to qualifying patients who are prescribed or issued prescriptions pursuant to the State's Our Care, Our Choice Act.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that for terminally ill patients, there is a convenience and diminished risk of accidental poisoning if medication is stored securely in a pharmacy as opposed to a private residence. Existing law requires that certain controlled substances be picked up after being filled within seven days. This measure allows medication that is prescribed pursuant to the Our Care, Our Choice Act, otherwise known as medical aid in dying, to be filled and held by the pharmacy for not more than thirty days to provide this convenience and safeguard for terminally ill patients.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 536, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 536, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

# SCRep. 503 Commerce, Consumer Protection, and Health on S.B. No. 998

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Hawaiian Electric Company, Inc.; Maui Electric Company Limited; and Hawaii Electric Light Company, Inc., to fund multi-project capital improvement programs and assist utilities serving the general public in providing electric energy.

Your Committee received testimony in support of this measure from Ulupono Initiative, Land Use Research Foundation of Hawaii, and Hawaiian Electric Company, Inc. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Hawaii's energy issues are becoming increasing complex and challenging. The electric utility companies for the city and county of Honolulu and the counties of Maui and Hawaii are slowly transforming their business operations toward more renewable energy production, energy storage, and clean transportation. For this transition to occur, they will require access to low-cost financing. Special purpose revenue bonds can provide lower cost capital, and the renewable and clean investments can save ratepayers money over the long run. This measure will help finance multi-project capital improvement construction programs for the local furnishing of electric energy to the city and county of Honolulu and the counties of Maui and Hawaii.

Your Committee has amended this measure by:

- (1) Clarifying that the special purpose revenue bonds authorized by this measure are for multi-project capital improvement programs; and
- (2) Clarifying that the capital improvement projects and programs of Hawaiian Electric Company, Inc., Maui Electric Company, Limited, and Hawaii Electric Light Company, Inc. constitute a project as defined in existing law.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 998, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 998, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 504 Commerce, Consumer Protection, and Health on S.B. No. 1009

The purpose and intent of this measure is to prohibit the sale or offering for sale of any flavored tobacco product, including menthol tobacco products, within the State beginning on January 1, 2020.

Your Committee received testimony in support of this measure from the Department of Health; Department of Education; Office of the Prosecuting Attorney of the County of Hawai'i; one member of the Hawai'i County Council, one member of the Maui County Council; Hawai'i Public Health Institute; Hawai'i Primary Care Association; Hawaii State Teachers Association; Hawai'i Pacific Health; Coalition for Tobacco Free Hawai'i's Youth Council; Hawaii Youth Services Network; Hawaii Dental Hygienists' Association; Lanai Community Health Center; Peer Education Program; American Cancer Society Cancer Action Network; University of Hawaii Student Health Advisory Council; The Root Cellar Studio Maui; Patients Without Time; American Heart Association; Keiki Injury Prevention Coalition; Bridge Club Hawaii; We Are One, Inc.; Blue Zones Project; Pediatric Therapies Hawaii; The Man Cave; Hawaii COPD Coalition; Ho'omanapono Political Action Committee; Pearl City Neighborhood Board No. 21; over eighty individuals; and a petition signed by two hundred ninety-two individuals. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii, Vape Kings, Smokeless Hawaii, Black Lava Vape, Hawaii Smokers Alliance, Volcano Fine Electronic Cigarettes, HI Lyfe Vaporz, Hawaii Petroleum Marketers Association, and more than fifty-five individuals. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Food Industry Association.

Your Committee finds that tobacco use remains the leading cause of preventable disease and death in the United States and in Hawaii. An estimated twenty-one thousand children in Hawaii currently under the age of eighteen will ultimately die prematurely from

smoking. Public health experts have expressed concerns that flavored tobacco products promote youth initiation of tobacco use because flavors can mask the natural harshness and taste of tobacco, which makes flavored tobacco products easier to use and increases their appeal among new users. Your Committee further finds that flavored tobacco products, including menthol tobacco products, pose a substantial health risk to Hawaii's citizens, particularly to children and teenagers. The State has a substantial interest in protecting its residents from tobacco dependence and the illness and premature death associated with tobacco use.

Your Committee has amended this measure by:

- (1) Adopting amendments suggested by the Department of the Attorney General to:
  - (A) Amend language establishing a rebuttable presumption that a tobacco product is a flavored tobacco product for consistency with other presumptive language in the Penal Code;
  - (B) Clarify that only flavored tobacco products, rather than all tobacco products, are to be considered contraband and forfeited;
  - (C) Specify the specific penalties for violations of the criminal offense established by this measure and make an associated conforming amendment; and
  - (D) Remove language requiring this measure to be liberally construed, as this could lead to ambiguity when referring to criminal offenses; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1009, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1009, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 505 Commerce, Consumer Protection, and Health on S.B. No. 1121

The purpose and intent of this measure is to:

- (1) Establish a working group to examine and advise on amendments that can be made to the statutory description of the Department of Health's powers, duties, functions, and responsibilities in the Hawaii Revised Statutes; and
- (2) Appropriate funds to support the activities of the working group.

Your Committee received testimony in support of this measure from the Department of Health and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that although the Department of Health routinely updates statutes through the Governor's administrative package, among other means, there has not been a holistic look at the span of the Department's statutory powers, duties, functions, and responsibilities for at least ten years. Further updating the statutory description of the Department of Health's powers and duties to describe population-based public health programs and employ multi-sectoral strategies to improve health outcomes would enhance the Department's goal of health equity. Therefore, this measure establishes a working group whose findings will ensure health equity across communities through collaboration between government and non-government sectors.

Your Committee has amended this measure by:

- (1) Inserting language that authorizes the working group to evaluate the health impact assessment tool, including the development of scenarios and criteria for which health impact assessments may be conducted for future policies and projects unrelated to the Department of Health;
- (2) Inserting a definition for "health impact assessment";
- (3) Specifying the composition of the working group, including the chairperson; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1121, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1121, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

## SCRep. 506 Commerce, Consumer Protection, and Health on S.B. No. 1171

The purpose and intent of this measure is to:

- (1) Clarify that a public benefit corporation may not purchase its memberships;
- (2) Clarify that a person who does not have authority to vote as a member of the board is not a director;
- (3) Clarify that a corporation with members may designate its directors;

- (4) Increase the length of time that the Attorney General has to review proposed sale of substantially all of the assets of public benefit corporations other than in the regular course of its activities; and
- (5) Makes other housekeeping amendments.

Your Committee received testimony in support of this measure from the Department of the Attorney General, University of Hawai'i Foundation, and Hawai'i Alliance of Nonprofit Organizations.

Your Committee finds that public benefit corporations are normally prohibited from making any distributions other than for charitable purposes under existing law. Unlike shareholders of a corporation or partners of a partnership, members of a public benefit corporation do not have an economic ownership interest in the public benefit corporation. Therefore, a public benefit corporation's use of its charitable assets to purchase its memberships would amount to a distribution to its members and would evade the rules against distributing charitable assets for non-charitable purposes. This measure explicitly prohibits public benefit corporations from purchasing its memberships, prevents charitable assets from being used for non-charitable purposes, and conforms the Hawaii Nonprofit Corporations Act to the Revised Model Nonprofit Corporation Act of 1987.

Your Committee additionally finds that existing law is unclear as to whether ex-officio directors, or individuals named as directors based on their position or status, who do not have any authority to vote as a member of the board, are in fact directors of a nonprofit corporation. Non-voting directors would be unable to perform their fiduciary duties as directors if they are unable to vote to take any action. This measure further clarifies that the term "directors" as used in the Hawaii Nonprofit Corporations Act only includes those who have authority to vote as a member of the board. This measure lastly makes additional housekeeping amendments, for consistency with existing model acts and state law.

Your Committee has amended this measure by:

- (1) Clarifying that an electronic or digital signature shall constitute a form of written consent by a board of directors; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1171, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1171, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 507 Commerce, Consumer Protection, and Health on S.B. No. 1329

The purpose and intent of this measure is to:

- (1) Align the salary of the Public Utilities Commission Chairperson with the highest pay tier of a supervising deputy attorney general; and
- (2) Align the salary of the other Public Utilities Commissioners with the lowest pay tier of the first deputy attorney general.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, Public Utilities Commission, and one individual.

Your Committee finds that the Public Utilities Commission protects the public interest by overseeing and regulating public utilities to ensure they provide reliable service at reasonable and just rates. Furthermore, the Commission's workload has grown substantially, particularly in the electricity sector where complex issues relating to the State's one hundred percent renewable energy portfolio standard and other energy policies continue to be investigated. Given the Commission's complex scope of work, it is important that the State raise the salaries of the Public Utilities Commission Chairperson and other commissioners to attract and retain the most qualified candidates for these positions. A salary increase will also help mitigate the significant travel expenses of candidates who are residents of neighbor islands who must often travel to Honolulu to carry out their duties as commissioners.

Your Committee has amended this measure by:

- (1) Clarifying that the Chairperson of the Public Utilities Commission shall be paid a salary equal to the highest pay tier of the first deputy attorney general of the Department of the Attorney General; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1329, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1329, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 508 Commerce, Consumer Protection, and Health on S.B. No. 1470

The purpose and intent of this measure is to:

- (1) Specify who may be granted a temporary permit to practice public accountancy;
- Specify requirements that must be met prior to obtaining a temporary permit to practice or commencing public accountancy servicer in Hawaii;

- (3) Specify additional requirements for persons granted a temporary permit to practice; and
- (4) Make conforming amendments to the laws relating to public accountancy.

Your Committee received testimony in support of this measure from the Hawaii Association of Public Accountants and Niwao & Roberts, CPAs, A Professional Corporation. Your Committee received testimony in opposition to this measure from Business Resource Center, Inc.; Hawaii Society of CPAs; and twenty-six individuals. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs and Board of Public Accountancy.

Your Committee finds that a more streamlined and shortened process is needed for out-of-state certified public accountants (CPAs) to obtain a temporary permit to practice in this State. This measure will effectively create functional mobility for out-of-state CPAs, while still creating an audit trail for the protection of Hawaii's consumers and taxpayers.

Your Committee further notes that clarification is needed to avoid confusion to both the public and the CPA license holders who hold themselves out as a CPA, but do not possess a permit to practice. Hawaii is the only state to use the term CPA license for individuals with no practice privileges. This is confusing to the public and too tempting for individuals to cross the line into illegally holding themselves out to the public as a CPA with full practice privileges, despite not holding a permit. Your Committee notes the concerns raised in testimony regarding this issue, and therefore, amendments are necessary. Your Committee further finds that the latest Uniform Accountancy Act recommends carving out an exception to the continuing education requirement for "inactive" or "retired" CPAs.

Your Committee has amended this measure by:

- Removing language that would have allowed state-licensed CPAs and state licensed public accountants who also have a
  current permit to practice, to use the title and designation of "certified public accountant" or "CPA", or "public accountant" or
  "PA", respectively;
- (2) Allowing inactive or retired state-licensed CPAs, who do not have a current permit to practice, to use the title and designation of "certified public accountant" or "CPA", so long as they clearly indicate they are not practicing public accountancy and include "inactive" or "retired" after their CPA designation; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1470, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1470, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 509 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 433

The purpose and intent of this measure is to appropriate funds for the Department of Health to create and host a website and launch a public education campaign on the effects of screen time on children and teens.

Your Committees received testimony in support of this measure from the Department of Health, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and ten individuals.

Your Committees find a growing body of empirical data and anecdotal accounts suggest that time spent in front of screens has a negative impact on children's physical, emotional, and cognitive health. Evidence also suggests that excessive screen time may have an important impact on the high increase in anxiety, depression, and suicide among teens. The Centers for Disease Control and Prevention (CDC) and the American Academy of Pediatrics have nationally recommended strategies to reduce child and teen screen time, including increasing leisure-time physical activity as an alternative to screen time and having a family media plan in place.

According to testimony from the Department of Health, existing evidence-based interventions, such as an extensive social marketing campaign conducted by the CDC, have shown that using positive messaging to motivate participation in physical activity has been more effective than promoting the health costs of inactivity. Launching a similar campaign would align the Department's efforts with nationally-recognized, evidence based social marketing strategies.

Your Committees have amended this measure by:

- (1) Requiring the Department of Health to create and implement a social marketing campaign, targeting children and their families and based on proven interventions, to reduce child and teen screen time;
- (2) Removing language that would have required the Department of Health to create and host a website and launch a public education campaign on the effects of screen time for children and teens; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 433, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 433, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella). Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

#### SCRep. 510 (Joint) Commerce, Consumer Protection, and Health and Education on S.B. No. 984

The purpose and intent of this measure is to:

- (1) Include advanced practice registered nurses with prescriptive authority in the list of health care professionals authorized to administer medication to public school students; and
- (2) Repeal the requirement that administration of the medication be approved by the Department of Health.

Your Committees received testimony in support of this measure from the Department of Health, Department of Education, University of Hawai'i System, Hawai'i State Center for Nursing, American Nurses Association in Hawai'i, Wai'anae Intermediate School, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and six individuals. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association.

Your Committees find that the Department of Education is partnering with licensed professionals to increase access to health services, which helps to decrease student absenteeism and facilitate better self-management of chronic health conditions, such as asthma, that might otherwise make it difficult for children to fully participate in class activities. The presence of school-based licensed health care professionals, including advanced practice registered nurses and registered nurses, increases parents' and caregivers' time at work, and principals' and teachers' instructional time. This measure enables advanced practice registered nurses who provide care to school-aged children to work with parents and caregivers to support children's short- and long-term health and reduced health-related barriers to learning.

Your Committees note the concerns raised by the Departments of Education and Health, that it is essential to maintain the approval process with the Department of Health, as some medications may not be appropriate within the school setting.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that the administration of the medication is with the approval of the Department of Health or other on-campus, school-based, health care provider pursuant to a written agreement with the Department of Education; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 984, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 984, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen). Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 511 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 1494

The purpose and intent of this measure is to establish and fund a working group within the Department of Health to evaluate current behavioral health care and related systems and promote effective integration of services to improve response and coordination of care for persons experiencing substance abuse, mental health conditions, and homelessness.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness, Department of Health, Department of Human Services, Department of Public Safety, Hawaii Medical Service Association, Mental Health America of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Substance Abuse Coalition, and one individual.

Your Committees find that there is an inarguable intersection between opioid and other substance abuse, mental health, and homelessness. Across the country, counties and states have implemented patient entry systems that coordinate access to behavioral health and substance abuse services, which have resulted in increased efficiency and patient access to care. Integrating the State's behavioral health care system will help ensure that individuals experiencing chronic substance abuse, mental health conditions, homelessness, and other chronic conditions can access a continuum of care that promotes community stabilization and health while decreasing overutilization of high-cost acute care services. Your Committees acknowledge the work that is already being done in the State to coordinate care between service providers and find that this measure will continue to support those efforts.

Your Committees have amended this measure by:

- (1) Amending the membership of the working group;
- (2) Specifying that the working group shall be exempt from the posting requirements for open meetings;
- (3) Dissolving the working group on June 30, 2021; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1494, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1494, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella). Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

#### SCRep. 512 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 164

The purpose and intent of this measure is to transfer certain fines and forfeitures collected for uncontested traffic infractions to the counties

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, Honolulu Police Department, Hawai'i State Association of Counties, and one member of the Kaua'i County Council. Your Committees received comments on this measure from the Judiciary and Department of Budget and Finance.

Your Committees find that the counties enforce the traffic law on behalf of the State and use their own resources to issue trafficrelated citations. Under existing law, all traffic violation fines are issued by the counties, however those fines are collected and kept by the State. Your Committees believe that the counties should receive a share of the revenues generated from traffic violation fines.

Your Committees have amended this measure by:

- (1) Upon the recommendation by the Judiciary, setting an unspecified amount of the fines and forfeitures collected to be transmitted to each county; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 164, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 164, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 513 Water and Land on S.B. No. 99

The purpose and intent of this measure is to appropriate funds to establish two permanent full-time equivalent fisheries technician IV positions and for operating expenses for the Nuuanu Reservoir recreational fishing program at Nuuanu reservoir number four.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the Department of Land and Natural Resources operated a highly-successful recreational fishing program at the Nuuanu Reservoir for a number of years. Your Committee supports efforts to reestablish the fishing program.

Your Committee notes that the Nuuanu Reservoir is under the jurisdiction of the City and County of Honolulu's Board of Water Supply, and therefore encourages an agreement be made between the Board of Water Supply and the Department of Land and Natural Resources to allow the Department to stock and run a public fishing program at Nuuanu Reservoir.

Your Committee has amended this measure by:

- (1) Inserting blank appropriation and allocation amounts; and
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion.

Your Committee notes that although the appropriation amount is blank, your Committee requests that your Committee on Ways and Means consider an appropriation of \$98,280 for the fisheries technician IV positions and for operating expense.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 99, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 99, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 514 Water and Land on S.B. No. 102

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to use in-lieu fee mitigation to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Ocean Tourism Coalition, and one individual.

Your Committee finds that aquatic in-lieu fee mitigation is an effective mechanism to restore, create, enhance, and preserve aquatic habitats or resources to recover the ecological functions, services, and values of aquatic resources that are lost or anticipated to be lost due to adverse impacts to other similar aquatic habitats. Aquatic in-lieu fee mitigation is widely used across the United States to achieve ecologically valuable conservation. This measure will provide the Department of Land and Natural Resources with an innovative mechanism to improve state stewardship of aquatic public trust resources and habitats, increase accountability for aquatic resource damage, and provide higher quality remediation to make damaged resources whole again.

Your Committee has amended this measure by:

 Inserting language to clarify that the Department may use in-lieu fee mitigation, in addition to banked mitigation, for prospectively mitigating planned impacts;

- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 102, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 102, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 515 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment on S.B. No. 914

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to allocate ten percent of revenues collected from commercial properties within the Banyan Drive redevelopment area to the Banyan Drive Hawaii Redevelopment Agency; and
- (2) Appropriate funds to the Banyan Drive Hawaii Redevelopment Agency for conducting environmental impact statements and other studies that are necessary to complete the Agency's redevelopment plan for the Banyan Drive redevelopment area.

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committees find that in January 2016, the Hawaii County Planning Director and the Chairperson of the Board of Land and Natural Resources signed a statement of understanding to enter into a collaborative process for the redevelopment of the Banyan Drive peninsula because it consisted of real property that was underutilized or in disrepair. The County of Hawaii created the Banyan Drive Hawaii Redevelopment Agency to work toward improving the Banyan Drive redevelopment area via the adoption and implementation of a master urban redevelopment plan; however, in order for the redevelopment plan to be further developed, funding is needed to conduct the necessary environmental impact studies and other studies required pursuant to chapter 343, Hawaii Revised Statutes.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$250,000;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land, Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 914, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 914, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

Agriculture and Environment: Ayes, 5; Ayes with Reservations (Rhoads). Noes, none. Excused, none.

#### SCRep. 516 Water and Land on S.B. No. 1432

The purpose and intent of this measure is to provide increased funding for land conservation by removing the annual dollar amount cap on the annual collections from the conveyance tax to the land conservation fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, The Trust for Public Land, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that Hawaii's natural resources are invaluable to its economy, culture, and quality of life, but an alarmingly small amount of money is invested each year to protect the State's natural capital base. Your Committee also finds that there is a clear nexus between the source of the conveyance tax and providing funding for land conservation since the development, sale, and improvement of real estate in Hawaii creates additional pressure on natural areas, coastal access, agricultural production, and water resources and watershed recharge areas.

Your Committee has amended this measure by:

- Inserting an appropriation from the land conservation fund for the 2019-2021 fiscal biennium to the Department of Land and Natural Resources for resource land acquisition;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1432, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1432, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 517 Water and Land on S.B. No. 1484

The purpose and intent of this measure is to appropriate funds for the Department of Land and Natural Resources to devise an appropriate plan to create a hiking trail from Malaekahana State Park, along the coast, to Turtle Bay Resort passing makai of the James Campbell National Wildlife Refuge and continuing from Kawela Bay along the coast of Waialee to Sunset Beach.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that Na Ala Hele, the Hawaii statewide trail program maintained by the Division of Forestry and Wildlife of the Department of Land and Natural Resources, includes one hundred twenty-eight trail and road features spanning approximately eight hundred fifty-five miles. Trails include parking areas, comfort stations, pavilions, picnic areas, and other facilities that are regularly used by the public. Your Committee further finds that Na Ala Hele should maintain pristine coastlines and make them available to the public; in particular, the Kahuku shoreline is a perfect candidate for a new trail.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1484, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1484, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 518 (Joint) Education and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 587

The purpose and intent of this measure is to:

- (1) Require that the Board of Education hold at least two community meetings each year in each county to receive public input on public education and public library issues; and
- (2) Remove the restriction on community meetings to allow the meetings to be held for the purpose of formulating educational policy.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association, Democratic Party of Hawaii'i Education Caucus, League of Women Voters of Hawaii, and four individuals. Your Committees received comments on this measure from the Board of Education and Office of Information Practices.

Your Committees find that community meetings held by the Board of Education improve the public's access to the Board and allow the public to provide the Board with more information to help with decision-making and priority setting. However, the Board of Education typically holds meetings in Honolulu, which makes it difficult for community members from the neighbor islands to provide community concerns and input. This measure provides greater access to the Board of Education from communities in each county across the State and allows the Board to hear from more community stakeholders when developing educational policies.

To assist your Committee on Ways and Means with its deliberation on this measure, your Committees note that the Board of Education may need an appropriation of \$10,000 to cover the added travel costs associated with holding at least two community meetings in each county.

Your Committees have amended this measure by:

- (1) Clarifying that community meetings held by the Board of Education shall be exempt from requirements related to:
  - (A) Including an agenda when the Board provides public notice in accordance with state laws; and
  - (B) Keeping written or recorded minutes of all meetings; and
- (2) Requiring the Board of Education to video record community meetings and make the video recordings available at the next regular meeting.

As affirmed by the records of votes of the members of your Committees on Education and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 587, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 587, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz). Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 519 (Joint) Human Services and Government Operations on S.B. No. 398

The purpose and intent of this measure is to require the Department of Human Services to establish and implement a training program on government procurement and other relevant procedures for nonprofit organizations that offer homeless outreach services or manage homeless housing programs in rural areas of the State.

Your Committees received testimony in support of this measure from the Department of Human Services, State Procurement Office, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received comments on this measure from the Hawaii Youth Services Network.

Your Committees find that in order for nonprofit organizations to effectively work in concert with state and county governments, these organizations require a clear understanding of the state procurement system, including the proposal and bid processes, to most effectively offer homeless outreach services or manage homeless housing programs. Your Committees further find that while these types of programs are robust in urban areas, homeless outreach services and homeless housing programs are lacking in rural areas of the State. This measure therefore establishes a program to provide training on government procurement in rural areas of the State. This outreach and education is vital to effectively meeting the needs of rural areas of the State.

Your Committees also take seriously the recommendation from the Hawaii Youth, regarding the desire to broaden the range of organizations providing services to the homeless that are eligible to participate in the training established by this measure.

Your Committees have amended this measure by:

- Clarifying that the Department of Human Services shall work in partnership with the State Procurement Office to establish the training program;
- (2) Changing the appropriation from \$250,000 to \$270,000, to be expended by the State Procurement Office; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 398, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 398, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella). Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

#### SCRep. 520 (Joint) Human Services and Housing on S.B. No. 471

The purpose and intent of this measure is to:

- (1) Appropriate funds to the outreach program, rapid re-housing program, housing first program, family assessment centers, law enforcement assisted diversion program, and coordinated statewide homelessness initiative; and
- (2) Establish and appropriate funds for a short-term rental assistance pilot program and a long-term rental assistance pilot program.

Your Committees received testimony in support of this measure from the Department of Human Services; Mayor's Office of the County of Hawaii; Hawaii Youth Services Network; Mental Health America of Hawaii; Catholic Charities Hawaii; Hawaii Kai Homeless Task Force; Our Revolution Hawaii; HOPE Services Hawaii Inc.; Partners In Care; The Salvation Army; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and six individuals. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness, Department of Attorney General, and Department of Health.

Your Committees find that homelessness is one of the most pressing problems in Hawaii, which requires a robust, comprehensive, long-term solution to address Hawaii's affordable housing and homelessness crisis. High housing costs continue to drive Hawaii residents into homelessness. Your Committees further find that Hawaii has gradually begun to turn the tide in the homelessness crisis. In 2017, Hawaii's homelessness rate went down for the first time in years, a trend that continued in 2018.

Your Committees recognize that Hawaii must prioritize programs that are the most cost-effective and target the most vulnerable populations, such as outreach, rapid re-housing, housing first, family assessment centers, law-enforcement assisted diversion, and the coordinated statewide homelessness initiative. These programs are critically necessary to address homelessness in Hawaii. The State also needs to experiment in innovative approaches to addressing homelessness, such as providing long-term rent subsidies to the elderly on fixed incomes. This measure will fund core homelessness services and establish a new pilot program for long-term rental assistance care for the elderly to address the State's housing and homelessness crisis.

Your Committees note that this measure establishes a new pilot program for short-term rental assistance for families. However, your Committee Chair learned that the Homeless Programs Office and the Hawaii Public Housing Authority do not have the capacity to implement a new pilot program for short-term rental assistance for families at this time.

Your Committees also note that the funding from the established programs in this measure should go into the base budget of the State, as these programs are all proven to work and are ongoing. This would allow the programs to have stability to plan for the long-term.

Your Committees have amended this measure by:

- (1) Removing language that would have established a short-term rental assistance pilot program for families;
- Inserting an appropriation amount of \$16,300,000 to the Department of Human Services for the purposes of administering homelessness programs;
- (3) Inserting an appropriation amount of \$1,700,000 to the Department of Health for the purposes of administering homelessness programs;

- (4) Requiring the long-term assistance pilot program to participate in the Continuum of Care's Coordinated Entry System for homeless services:
- (5) Requiring the provider of the long-term assistance pilot program to input data into the United States Department of Housing and Urban Development's Homeless Management Information System;
- (6) Requiring an annual report to the Legislature from the Department of Health regarding the long-term rental assistance pilot program, no later than one month prior to the convening of the regular sessions of 2020, 2021, and 2022;
- (7) Specifying a June 30, 2022, sunset date for the long-term assistance pilot program; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 471, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 471, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Housing: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 521 (Joint) Human Services and Housing and Government Operations on S.B. No. 483

The purpose and intent of this measure is to:

- (1) Authorize the use of private lands for the ohana zones pilot program;
- (2) Extend the sunset dates of the Emergency Department Homelessness Assessment and Medical Respite pilot programs of the Department of Human Services to June 30, 2020; and
- (3) Require reports to the Legislature.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Mayor's Office of the County of Hawaii, Our Revolution Hawaii, HOPE Services Hawai'i; and three individuals. Your Committees received comments on this measure from one individual.

Your Committees find that safe zones provide a housing alternative for homeless individuals and families. Your Committees further find that Act 209, Session Laws of Hawaii 2018 (Act 209), established an ohana zones pilot program to provide safe zones in the State. Ohana zones are designed to assist individuals and families experiencing homelessness find and transition into permanent housing and provide them with needed services. This measure broadens the scope of the ohana zones pilot program by allowing for public-private partnerships on private land, which will expedite the construction of appropriate housing for individuals and families experiencing homelessness.

Your Committees request that when the State enters into a partnership with the owner of private land, as authorized by this measure, that the State uses a form or template similar to the Memorandum of Agreement Regarding Guidelines for Temporary Emergency Housing on TMK No. (3) 1-5-006:017 between HOPE Services, Inc., and the County of Hawaii.

Your Committees have amended this measure by:

- Extending the deadline for the Department of Human Services to implement the ohana zones pilot project, including extending
  the sunset date of the project; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services, Housing, and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 483, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 483, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella). Housing: Ayes, 3. Noes, none. Excused, 2 (Moriwaki, Fevella). Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 522 Human Services on S.B. No. 734

The purpose and intent of this measure is to require the agency or appropriate court that receives an income withholding request from an obligee to enter an order requiring the obligor's place of employment to classify the obligor as an employee for payroll or accounting purposes to become subject to withholding; provided that the obligor receives income on a periodic basis and becomes delinquent in making payments under a support order in an amount at least equal to the support payable for three months.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that under existing law, employers are not expressly required to classify a child support obligor owing past due payments as an employee, even when the obligor is receiving income from the employer periodically. This places a burden on child support enforcement agencies attempting to collect past due child support payments through income withholding. This measure allows the child support enforcement agency or court to enter an order requiring the employer's classification of an obligor as an employee under certain conditions, which will facilitate child support collections.

Your Committee has amended this measure by specifying that family courts are also allowed to enter an order requiring the employer's classification of an obligor as an employee under certain conditions.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 734, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 734, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 523 (Joint) Human Services and Housing on S.B. No. 1031

The purpose and intent of this measure is to;

- (1) Establish a long-term rental assistance pilot program to be administered by the Department of Health; and
- (2) Appropriate funds for the administration of the pilot program.

Your Committees received testimony in support of this measure from Catholic Charities Hawaii; Hawaii Kai Homeless Task Force; Hawaii Island HIV/AIDS Foundation; Our Revolution Hawaii; HOPE Services Hawaii, Inc.; Partners In Care; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and three individuals. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness.

Your Committees find that homelessness is one of the most pressing problems in Hawaii, which requires a robust, comprehensive, long-term solution to address Hawaii's affordable housing and homelessness crisis. High housing costs continues to drive more and more Hawaii residents into homelessness and now Hawaii has the highest homelessness rate in the nation.

Your Committees further find that one important component of the solution is ensuring that low-income elderly individuals are not forced into homelessness through a combination of fixed incomes and rapidly rising rents. Hawaii must prioritize programs that are the most cost-effective and target the most vulnerable populations, such as the State's elders. Many elderly individuals have a fixed income and may find themselves at imminent risk of homelessness if faced with unexpected hardship. This measure establishes a long-term rental assistance pilot program, which will provide a combination of rental assistance and case management to assist participants in obtaining and maintaining housing.

Your Committees have amended this measure by:

- (1) Requiring the Department of Health to enter into a memoranda of agreement with the counties to implement this measure;
- Requiring the long-term assistance pilot program to participate in the Continuum of Care's Coordinated Entry System for homeless services;
- (3) Requiring the provider of the long-term assistance pilot program to input data into the United States Department of Housing and Urban Development's Homeless Management Information System;
- (4) Requiring an annual report to the Legislature from the Department of Health regarding the long-term rental assistance pilot program, to no later than one month prior to the convening of the regular sessions of 2020, 2021, and 2022;
- (5) Specifying a June 30, 2022, sunset date for the long-term assistance pilot program; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1031, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1031, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Housing: Ayes, 5. Noes, none. Excused, none.

# SCRep. 524 (Joint) Human Services and Housing on S.B. No. 1131

The purpose and intent of this measure is to:

- (1) Increase the number of ohana zone sites on Oahu from three to six; and
- (2) Appropriate funds to the Department of Human Services for the ohana zones pilot program.

Your Committees received testimony in support of this measure from the Department of Human Services, Hawaii Kai Homeless Task Force, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and three individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness.

Your Committees find that safe zones provide a housing alternative for homeless individuals and families. Your Committees further find that Act 209, Session Laws of Hawaii 2018 (Act 209), established an ohana zones pilot program to provide safe zones in the State. Ohana zones are designed to assist individuals and families experiencing homelessness find and transition into permanent housing and provide them with needed services. This measure increases the amount of ohana zones on Oahu, which will provide more safe zones for homeless individuals and families and improve their overall well-being.

Your Committees have amended this measure by:

- (1) Requiring designated agencies to designate at least two additional ohana zones on each neighbor island, if the ohana zones pilot program capacity permits;
- (2) Clarifying that the reports to the legislature on the ohana zones pilot program shall include evaluations on ultra-low cost modular housing that would be best suited for permanent supportive housing and whether there are off-the-grid infrastructure technologies that can provide drinking water, electricity, and process sewage, without existing infrastructure;
- (3) Extending the deadline for the Department of Human Services to implement the pilot project, including extending the sunset of the project; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1131, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1131, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella). Housing: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 525 (Joint) Human Services and Judiciary on S.B. No. 1019

The purpose and intent of this measure is to:

- (1) Establish a safe places for youth pilot program;
- (2) Requires the Office of Youth Services to reduce the use of status offense laws and implement a status offense diversion program; and
- (3) Appropriate funds for the safe places for youth pilot program and status offense diversion program.

Your Committees received testimony in support of this measure from the Office of Youth Services, Office of the Prosecuting Attorney of the County of Kaua'i, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawai'i, Harm Reduction Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals.

Your Committees find that homeless youth are at a substantial risk of suffering from physical, emotional, and sexual abuse. Your Committees further find that a significant majority of homeless or runaway youth have dropped out or will drop out of school. Your Committees additionally find that "status offenses" are instances of conduct that would not be crimes except if committed by a minor. Your Committees also find that detention resulting from status offenses has been shown to have a severe negative impact on youth and do not resolve the issues that led to the offense. This measure establishes programs that will provide safe places for homeless youth and prevent them from going into detrimental detention for status offenses.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1019 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella). Judiciary: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 526 (Joint) Government Operations and Transportation on S.B. No. 661

The purpose and intent of this measure is to:

- (1) Grant procurement priority for fuel cell electric vehicles for state and county vehicle purchases; and
- (2) Include fuel cell electric vehicles in the definition of "electric vehicles" for purposes of parking fee exemption, high occupancy vehicle lane use, registration, and required parking spaces in places of public accommodation.

Your Committees received testimony in support of this measure from the Department of Transportation; Ulupono Initiative; Alliance of Automobile Manufacturers; Servco Pacific, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Automobile Dealers' Association; Blue Planet Foundation; and one individual.

Your Committees find that fuel cell electric vehicles are a viable alternative to gasoline-powered vehicles. Increasing the use of more fuel cell electric vehicles will reduce carbon emissions and improve the quality of life in Hawaii. However, under existing law, certain priority considerations and incentives are currently available to battery electric vehicles but not fuel cell electric vehicles. This measure expands the definition of "electric vehicle" to include fuel cell electric vehicles, which will afford more incentives for fuel cell electric vehicles, drastically improve transportation efficiency, and reduce carbon emissions in Hawaii.

Your Committees have amended this measure by amending the definition of "fuel cell electric vehicle" to ensure all fuel cell technology is appropriately included.

As affirmed by the records of votes of the members of your Committees on Government Operations and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 661, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 661, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella). Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 527 Government Operations on S.B. No. 1111

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Accounting and General Services.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services, State Procurement Office, and Office of Information Practices. Your Committee received comments on this measure from the Department of Accounting and General Services, Office of Elections, and League of Women Voters.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Accounting and General Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

In regard to the Office of Public-Private Partnership, your Committee is reluctant to "silo" the procurement of P3 and similar contracts from the regular procurement in the Public Works Division. Instead, your Committee prefers to direct these resources to build the expertise within public works and foster a team relationship between the plans, design, and construction branches in that division to improve procurement of public works contracts. Accordingly, your Committee recommends redirecting these and other identified funds to S.B. No. 1079 (Regular Session of 2019) to improve state procurement practices and standardize catalogue deferred maintenance of state facilities and to support S.B. No. 1333 (Regular Session of 2019), which will provide technical assistance to the Department of Accounting and General Services and other agencies on innovative development strategies, including the Public-Private Partnership.

Your Committee has amended this measure by:

- (1) Removing operating expense budget items that are under the purviews of the Committees on Technology; Labor, Culture and the Arts; and Judiciary;
- Removing the appropriation for cemetery grounds positions, as the funding for these positions has been included in the Governor's base budget;
- (3) Removing the appropriation for an Office of Public-Private Partnership;
- (4) Removing the addition of a position of Office Assistant for fiscal year 2019-2020, and redirecting those funds for a staffing position and relating requirements;
- (5) Removing an appropriation for the small business assistance initiative; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1111, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1111, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

#### SCRep. 528 Government Operations on S.B. No. 1333

The purpose and intent of this measure is to:

- (1) Require that past performance be considered in future bid selection of contractors for sole source contracts and any competitive sealed bid or proposal contracts that meets or exceeds the small purchase threshold;
- (2) Require procurement officers to consider specific factors, including past performance, when making a determination of offeror responsibility;
- (3) Require procurement officers to conduct past performance evaluations at least annually and at the time the work under a contract or order is completed, and maintained in the department's files; and
- (4) Develop and implement a statewide past performance database that collects past performance evaluations to be used as a resource when evaluating past performance in future procurements.

Your Committee received testimony in support of this measure from the State Procurement Office, Community Alliance on Prisons, and Subcontractors Association of Hawaii. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services, Department of Design and Construction of the City and County of Honolulu, and Department of Budget and Fiscal Services of the City and County of Honolulu.

Your Committee finds that some state contracts may be awarded to the lowest bidder, without regard to poor past performance. Such bidders may be considered qualified despite poor past performance on state, federal, or private contracts, which may result in repeated inefficiencies and substandard work. Your Committee also finds that legislative direction is needed to award state contracts to responsible bidders through the state procurement process; increase performance accountability on state contracts, and use taxpayer dollars more efficiently.

This measure requires procurement officers to complete periodic performance evaluations of certain contractors, past performance to be factored into future bid selections, the development of a past performance database, and the establishment of an initial procurement workgroup to evaluate and make recommendations about existing procurement methods. This measure provides more oversight and regulation of the State's procurement process, which will improve efficiency and the quality of work of state awarded procurement contracts.

Your Committee has amended this measure by:

- (1) Establishing an initial procurement working group;
- (2) Specifying composition of and requirements for the initial procurement working group;
- (3) Adjusting the appropriation amount from \$292,000 to \$250,000, and clarifying that the sums shall be allocated for the creation of the past performance data base and outsourcing of two full-time equivalent positions; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1333, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1333, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 529 Government Operations on S.B. No. 1042

The purpose and intent of this measure is to extend the deadline for the Legislative Reference Bureau to submit a report studying how other jurisdictions oversee Title IX of the Education Amendments of 1972 (Title IX) enforcement.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Hawai'i Civil Rights Commission; LGBT Caucus of the Democratic Party of Hawai'i; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; National Association of Social Workers, Hawai'i Chapter; Midwives Alliance of Hawaii; and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Republican Party. Your Committee received comments on this measure from the Legislative Reference Bureau and one individual.

Your Committee finds that Title IX prohibits discrimination on the basis of sex by any education program or activity receiving federal funding. Your Committee also finds that in 2018 the Legislature passed a corollary to Title IX in State law, Act 110, Session Laws of Hawaii 2018 (Act 110), that prohibits such discrimination by programs or activities receiving state funding.

Act 110 requires the Legislative Reference Bureau to conduct a study and submit a report about the existing Federal Title IX and Title IX corollaries in other jurisdictions by January 24, 2019. However, due to the substantial complexity of the study's subject matter, the Legislative Reference Bureau needs additional time to complete its report. An amendment to this measure is needed to extend the due date for the Legislative Reference Bureau's report which will provide additional time for the report to be completed. The completed report will ultimately help reinforce Hawaii's Title IX corollary and address important civil rights laws.

Your Committee has amended this measure by:

- (1) Extending the due date for the Legislative Reference Bureau's Title IX report to March 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the United States Department of Education recently published a Notice of Proposed Rulemaking that seeks to amend Title IX's implementing regulations. The extent to which the final regulations will differ in substance from the Notice of Proposed Rulemaking is currently unknown. There is also a degree of uncertainty with respect to any impact the amended Title IX rules may have on the states' approaches to enforcing state law corollaries. With this uncertainty in mind, your Committee intends to keep this amended measure moving as a Title IX corollary vehicle, while the federal Department of Education finalizes its rulemaking process.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1042, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 530 Labor, Culture and the Arts on S.B. No. 228

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to place historical markers in the State to indicate significant sites in the life of President Barack Obama; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that President Barack Obama, the forty-fourth President of the United States of America, was born in the State of Hawaii and spent a significant amount of his life in the State. Your Committee further finds that placing markers at sites

significant to President Barack Obama's life would be a point of pride for the State and would pay tribute to President Barack Obama's leadership.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 228 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 531 Labor, Culture and the Arts on S.B. No. 798

The purpose and intent of this measure is to appropriate funds for the digitization of records, files, and other materials of the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the SHPD consists of three branches, Architecture, Archaeology, and History & Culture, that collectively strive to preserve and protect Hawaii's historic identity and ensure that Hawaii's treasured past is here for future generations. SHPD has approximately 3,700,000 pages of documents, including numerous documents necessary for compliance with the state historic preservation laws. These records are cumbersome to access and use, and materially slow the process of reviewing projects. The creation of an electronic data management system is the final requirement imposed on the State of Hawaii by the National Park Service's Corrective Action Plan. SHPD has digitized approximately 1,500,000 documents to date. Your Committee therefore finds that making continuing progress on the data management system is critical to completing the corrective action plan and lifting SHPD's status as a "high risk" recipient of federal funds. This measure will provide SHPD the funding to do so.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 798 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 532 Labor, Culture and the Arts on S.B. No. 799

The purpose and intent of this measure is to appropriate funds out of the works of art special fund to the State Foundation on Culture and the Arts for the integration of works of art projects into several major capital improvement projects.

Your Committee received testimony in support of this measure from the State Foundation on Culture and the Arts and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that state law requires that one percent of the appropriations for the construction or renovation of state buildings be transferred to the works of art special fund. Your Committee further finds that monies in the works of art special fund may be extended for integrated works of art projects as part of new construction which includes costs related to the acquisition of works of art and site modifications, display, and interpretive work necessary for the exhibition of works of art. This measure will make monies in the works of art special fund available for the integration of works of art projects into several planned major capital improvement projects throughout the State.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 799 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 533 Labor, Culture and the Arts on S.B. No. 1376

The purpose and intent of this measure is to appropriate funds as a grant to the Hawaii Labor Heritage Council to fund the production of a documentary film on the life of Ah Quon McElrath.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; University of Hawai'i West O'ahu Center for Labor Education and Research; Hawai'i Labor Heritage Council; International Union of Painters and Allied Trades District Council 50; ILWU Memorial Association; ILWU Local 142; Machinists Union Hawaii Federal and Amalgamated IAM; Filipina Advocacy Network; Labor Education Advisory Council; and nine individuals.

Your Committee finds that Ah Quon McElrath played a major role in the labor movement to end oppressive labor practices and bring economic and social justice to Hawaii. Born in Iwilei to Chinese immigrants, Ah Quon McElrath graduated from the University of Hawaii and spent her career advocating for workers by pushing for equal pay and treatment from the Big Five in Hawaii. She continued her advocacy after her retirement, fighting to end poverty for women's rights and welfare reform. Your Committee finds that production of a documentary film on the life of Ah Quon McElrath would be a tribute to her legacy.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1376 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 534 (Joint) Human Services and Higher Education on S.B. No. 50

The purpose and intent of this measure is to appropriate funds to the University of Hawaii for the Hawaii Nutrition Employment and Training Program.

Your Committees received testimony in support of this measure from the Department of Human Services, University of Hawai'i System, Hawaii Nutrition Employment and Training Program, and nineteen individuals.

Your Committees find that the Hawaii Nutrition Employment and Training program provides additional financial and one-to-one support to help college students attend to their basic needs, such as finding child care, and assists with job matching. Your Committees further find that although the Hawaii Nutrition Employment and Training program is only a few years in development, the program is demonstrating an overall fall-to-fall persistence rate that is twenty percent higher than the Community College System average. This measure provides resources to the Hawaii Nutrition Employment and Training program to allow the program to continue serving Hawaii's qualifying students.

As affirmed by the records of votes of the members of your Committees on Human Services and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 50, S.D. 1, and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 535 Government Operations on S.B. No. 1514

The purpose and intent of this measure is to:

- Prohibit any state agency, including departments, offices, boards, agencies, authorities, instrumentalities, public corporations, other governmental organizations, and political subdivisions, from creating any corporate entity without the approval of the Legislature;
- Require any corporate entity created by a state agency to provide a detailed accounting to the Legislature, Attorney General, and Auditor upon request;
- (3) Allow appropriations to a state agency to be withheld if a corporate entity within a state agency fails to provide a timely accounting upon request; and
- (4) Establish that any employee, officer, agent, or contractor of a state agency who improperly creates a corporate entity and transfers to that entity any monies, property, or interest in property is guilty of theft.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association AFSCME Local 152, AFL-CIO. Your Committee received testimony in opposition to this measure from the Employees' Retirement System of the State of Hawaii. Your Committee received comments on this measure from the Department of the Attorney General and Office of Hawaiian Affairs.

Your Committee finds that the State and its subdivisions have an obligation in the management of trust revenues and properties to act prudently and ensure accountability and transparency. This measure prohibits state agencies from creating a corporate entity without the approval of the Legislature, requires a created corporate entity to provide an accounting upon request, and allows appropriations to be withheld for failure of a corporate entity to provide a timely accounting, which ensures transparency and accountability for the creation and oversight of corporate entities.

Your Committee understands the concerns raised by the Office of Hawaiian Affairs regarding its investments being similar to that of the Employees' Retirement System. However, your Committee notes that the Employees' Retirement System is governed by numerous fiduciary provisions that may not apply to other state agencies. Therefore, some additional oversight or transparency may be warranted. Your Committee concludes that additional discussion on this matter is needed.

Your Committee has amended this measure by:

- (1) Specifying that the prohibitions against state agencies creating corporate entities without legislative approval also applies to the Office of Hawaiian Affairs;
- (2) Removing language that would have found a person who created a corporate entity without legislative approval or transferred any monies, property, or interest to that corporate entity guilty of theft;
- (3) Clarifying that the State Employees' Retirement System is exempt from the prohibitions established by this measure, to ensure that the Employees' Retirement System is able to continue making investments as authorized by law;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1514, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Baker).

#### SCRep. 536 Commerce, Consumer Protection, and Health on S.B. No. 366

The purpose and intent of this measure is to appropriate funds for the Alzheimer's disease and related dementia services coordinator position within the Executive Office on Aging.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs; Alzheimer's Association, Aloha Chapter; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Chinatown Gateway Plaza Tenant Association; and fifteen individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that approximately 27,000 Hawaii residents were diagnosed with Alzheimer's disease in 2010 and as Hawaii's population over the age of 65 continues to grow, the prevalence of Alzheimer's disease and related dementias is expected to rise. Alzheimer's disease and dementia patients, as well as their caretakers, require strong community support and education to assist them as they live with and combat the disease. The *Hawaii 2025: State Plan on Alzheimer's Disease and Related Dementias* identified strategies required to address the multifaceted issues associated with this disease; however, the services and activities needed require leadership and coordination at a systemic level. This measure authorizes funding for a dedicated position to help implement and update the Alzheimer's Disease and Related Dementias State Plan.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation for the Executive Office on Aging to hire a consultant or contract with the College of Tropical Agriculture and Human Resources at the University of Hawaii at Manoa to update the Alzheimer's and Related Dementias State Plan and devise strategies for service coordination; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 366, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 366, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 537 Commerce, Consumer Protection, and Health on S.B. No. 1034

The purpose and intent of this measure is to clarify that the existing health insurance mandate for coverage of low-dose mammography includes coverage for digital mammography and breast tomosynthesis.

Your Committee received testimony in support of this measure from the Hawai'i State Commission of the Status of Women, Planned Parenthood Votes Northwest and Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association of Health Plans. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that breast cancer is one of the most common kinds of cancer in women. Nearly one in eight women born today in the United States will get breast cancer sometime during her life. Digital mammography provides images of the breast in many different angles, providing greater accuracy in finding abnormalities and determining which abnormalities seem potentially worrisome. Women who undergo screening with a combination of three-dimensional and two-dimensional mammography are less likely to be called back for more testing due to suspicious findings that turn out not to be cancer. Digital mammography and breast tomosynthesis are technologies that have been shown to be more effective for patients with dense breast tissue and those that are at higher risk of breast cancer.

Your Committee notes that coverage for low-dose mammography is not a new benefit that would be subject to an impact assessment report. Breast tomosynthesis is simply an advancing technology within the existing mammography mandate that should also be covered under the same benefit. Your Committee believes it is inappropriate to require an impact assessment whenever a new technology comes out to modernize an existing covered benefit. Such attempts to delay action pose a risk to the health of patients who would benefit from advancing technologies or methodologies.

Your Committee has amended this measure by:

- (1) Inserting a repeal date of June 30, 2024; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1034, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1034, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

# SCRep. 538 Commerce, Consumer Protection, and Health on S.B. No. 1172

The purpose and intent of this measure is to clarify Hawaii's charitable solicitation laws by:

- (1) Replacing the term "gross revenue" with "total revenue";
- (2) Defining the term "total revenue" for purposes of calculating the annual filing fee;

- (3) Clarifying when professional solicitors must file financial reports;
- (4) Clarifying when commercial co-venturers must provide a charitable organization with an accounting and the date by which a benefit must be conferred; and
- (5) Making other housekeeping amendments.

Your Committee received testimony in support of this measure from the Department of the Attorney General, University of Hawai'i Foundation, and Hawai'i Alliance of Nonprofit Organizations.

Your Committee finds that this measure clarifies terms for consistency with Internal Revenue Service forms, provides oversight of charitable organizations and fundraising activities, clarifies regulatory procedures for the non-profit sector, and provides additional resources to the public. Furthermore, this measure provides greater clarity concerning the role of non-voting directors of non-profit corporations.

Your Committee notes that because professional audits can be very expensive, especially for organizations that just meet the existing requirement of having contributions in excess of \$500,000 per year, further amendments are needed to this measure.

Your Committee has amended this measure by:

- (1) Clarifying that charitable organizations are required to submit financial audits only when otherwise required to do so by other external entities; and
- (2)) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1172, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1172, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 539 Commerce, Consumer Protection, and Health on S.B. No. 1237

The purpose and intent of this measure is to authorize the State Health Planning and Development Agency to mandate the submission of Medicare Advantage (Medicare Part C) administrative data and health care service claims.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Health, Executive Office on Aging, Office of Enterprise Technology Services, and State Health Planning and Development Agency. Your Committee received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees.

Your Committee finds there is a need for improved health care data analytics to address health care cost drivers in the State. Data from an all-payer claims database with Medicare Advantage data will provide a comprehensive Medicare data set, which can be used to effectively plan for Hawaii's aging population and the accompanying increase in medical expenditures by the state and federal governments. Your Committee further finds this measure will facilitate greater transparency in the health care sector and improve understanding of health care costs, health care system quality, population health conditions, and health care disparities.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1237, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1237, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

# SCRep. 540 Commerce, Consumer Protection, and Health on S.B. No. 1460

The purpose and intent of this measure is to require carriers to make monthly reports to county liquor commissions.

Your Committee received testimony in support of this measure from the City and County of Honolulu Liquor Commission and Hawaii Liquor Wholesalers Association. Your Committee received comments on this measure from the Office of Information Practices and Wine Institute.

Your Committee finds that out-of-state wineries that direct ship wine to Hawaii residents under properly issued direct wine shipper permits collect and pay general excise tax to the Department of Taxation on these transactions. However, there are untold numbers of out-of-state manufacturers and retailers who ship to residents but are not permitted, meaning they avoid paying the same general excise tax required by the direct wine shipper permit holders.

Your Committee further finds that other states that allow direct shipment have found through carrier reporting that large amounts of liquor have been shipped into their states without payment of liquor, excise, and income taxes, resulting in lost revenue. This measure's reporting requirements will enable the county liquor commissions and liquor control adjudication boards to evaluate and monitor the amount of liquor being shipped and shipper information to confirm whether the shipper has complied with the requirements to obtain a direct wine shipper permit, including payment of taxes. This will level the playing field for those liquor-licensed businesses and direct wine shipper permit holders that properly operate under liquor and tax laws.

Your Committee has amended this measure by:

- (1) Clarifying that carriers' reports will be on the statewide amount of liquor being shipped; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1460, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1460, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

## SCRep. 541 Commerce, Consumer Protection, and Health on S.B. No. 493

The purpose and intent of this measure is to prohibit a health care insurer from requiring an insured diagnosed with stage two through stage five cancer to undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions.

Your Committee received testimony in support of this measure from the Hawaii Medical Association, Hawaii Society of Clinical Oncology and the American Society of Clinical Oncology, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association of Health Plans and Hawaii Medical Service Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that step therapy, or "fail first" therapy, is a form of prior authorization that requires preferred drugs be prescribed first until proven ineffective before physicians can try other, potentially higher cost drugs or treatment. For cancer patients, selecting the proper personalized treatment as quickly as possible can be critical to survival. Delays in getting patients the right treatments at the right time often leads to unnecessary complications in the physician-patient decision-making process. According to testimony received by your Committee, step therapy policies are generally inappropriate in oncology because of the individualized nature of modern cancer treatment and the general lack of interchangeable clinical options.

Your Committee further finds that step therapy places significant administrative burdens on physician practices, as physicians do not currently have ready, electronic access to patient benefit and formulary information. This lack of transparency makes it exceedingly difficult to determine what treatments are preferred by a particular payor at the point of care and places the practices at financial risk for the cost of administered drugs if claims are later denied for unmet, yet unknown, step therapy requirements.

Your Committee notes the concerns raised in testimony that this measure's reference to "investigational new drug", or a drug not approved by the Food and Drug Administration (FDA), may be misplaced. Non-FDA approved drugs cannot be prescribed by physicians unless they are part of a Phase III clinical trial, which are part of the FDA's approval process. Drugs given to patients as part of Phase III clinical trials are not billed to the patient or their health insurance, but are supplied by the pharmaceutical company as part of their research and development. Your Committee additionally notes that cancer is commonly referred to in stages of zero through four, rather than one through five. Amendments to this measure are therefore necessary.

Your Committee has amended this measure by:

- (1) Clarifying the requirements for a prescription drug that must be covered for the treatment of stage two through stage four cancer, including requiring that the drug's use be consistent with best practices, listed in approved compendia, or recognized for off-label use for the treatment of cancer or its side effects;
- (2) Deleting the definition of "investigational new drug" and making associated conforming amendments; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 493, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 542 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 417

The purpose and intent of this measure is to:

- (1) Require Medicaid and private insurance coverage of ambulance services;
- (2) Authorize Medicaid programs and require private insurers to pay for ambulance services if the patient was treated in a county with a population of two hundred thousand or more, even if the patient is not transported; and
- (3) Appropriate funds for Medicaid coverage of ambulance services.

Your Committees received testimony in support of this measure from the Department of Health, Department of Public Safety, Hawai'i Fire Department of the County of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, American Medical Response, and two individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, Department of Human Services, and Hawaii Medical Service Association.

Your Committees find that in 2018, emergency medical service providers treated and transported 89,770 patients. Emergency medical service providers also responded to 21,473 calls, representing over fourteen percent of all emergency medical service responses, where the patient was treated but not transported. Data shows there has been a consistent increase each year in the proportion of patients who are treated but not transported. Historically, however, the State has billed for patients transported to hospitals. This measure will help recoup operational costs by providing reimbursement for services when a patient is treated but not transported and will help break the cycle of dependence on the emergency care system.

Your Committees further find that as the cost of quality health care continues to increase, alternatives to the traditional provision of health care are required. Community paramedicine is an emerging and innovative model of care that uses emergency medical technicians and paramedics to provide care to underserved populations. Moreover, community paramedicine is an effective approach to serving patients with complex medical and social conditions and has the potential to decrease emergency department use and decrease hospitalizations. A unified statewide community paramedicine program will preserve and enhance emergency medical services, can help provide the right care by the right provider at the right time and place, and reduce wasted healthcare dollars. Your Committees note that this measure is not a new mandate, rather, it expands access to care.

Your Committees have amended this measure by:

- Clarifying that the State's Medicaid programs may pay for statewide community paramedicine services rendered by emergency medical technicians or paramedics;
- (2) Clarifying that each policy of accident and health or sickness insurance or hospital or medical service plan contract shall provide coverage for statewide community paramedicine services rendered by emergency medical technicians or paramedics;
- (3) Removing language that would have limited coverage to services provided within a county with a population of two hundred thousand or more; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 417, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 417, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

#### SCRep. 543 Commerce, Consumer Protection, and Health on S.B. No. 883

The purpose and intent of this measure is to appropriate funds to the Department of Health for Healthy Start home visiting child abuse prevention services.

Your Committee received testimony in support of this measure from the Department of Human Services, Parents and Children Together, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Hawaii Family Support Institute. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that Healthy Start provides home visiting services as a prevention strategy to improve the health and well-being of vulnerable families of newborns who are at risk for adverse health, safety, and developmental outcomes. Home visiting services address the risk of child abuse by fostering family functioning, promoting child health and development, enhancing positive parenting skills, and linking parents to community resources including health and mental health services, early childhood education, childcare, family literacy, employment, and social services. Funding for these services, as provided for in this measure, is a good investment for the future of the State to reduce the impact of abuse and neglect on children, prevent future abuse and neglect, and reduce the associated social and financial costs.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 883 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

## SCRep. 544 Commerce, Consumer Protection, and Health on S.B. No. 887

The purpose and intent of this measure is to increase the cigarette and tobacco tax and allocate portions of the resulting revenue to the Hawaii Health Systems Corporation and toward repaying medical school loans of qualifying graduates of the John A. Burns School of Medicine.

Your Committee received testimony in support of this measure from the Hawaii Health Systems Corporation, East Hawaii Region of Hawaii Health Systems Corporation, American Heart Association, Ho'omanapono Political Action Committee, Hawai'i Public Health Institute, American Cancer Society Cancer Action Network, Blue Zones Project, and five individuals. Your Committee received testimony in opposition to this measure from the University of Hawai'i System; Hawaii Smokers Alliance; Retail Merchants of Hawaii; JT International U.S.A., Inc.; Black Lava Vape; and over forty individuals. Your Committee received comments on this measure from the Department of Taxation, Department of Health, and Tax Foundation of Hawaii.

Your Committee finds that tobacco use remains the leading cause of preventable disease and death in the United States and in Hawaii. Smoking is associated with cancer, heart disease, stroke, emphysema, asthma and much more, yet tobacco use can be easily prevented by increasing its cost. It has been estimated that a ten percent increase in the price of cigarettes reduces adult smoking by

about two percent, reduces smoking in young adults by approximately three and a half percent, and reduces the number of children who smoke by six or seven percent. Raising the cigarette and tobacco tax on cigarettes and little cigars sold in the State will protect individuals of all ages, especially adolescents and children, from tobacco dependency and the illnesses and premature death associated with smoking. At the same time, the revenues raised by this measure will help finance the public health system, which so many smokers ultimately rely on.

Your Committee has amended this measure by:

- (1) Increasing the allocation of tax collections to the Hawaii cancer research special fund from 2 cents to 3 cents;
- (2) Clarifying that the increased tax rate and disposition of the resulting revenues proposed by this measure will go into effect on July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 887, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 887, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 545 Commerce, Consumer Protection, and Health on S.B. No. 1024

The purpose and intent of this measure is to appropriate funds to the Department of Health for the Aging and Disability Resource Center.

Your Committee received testimony in support of this measure from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, County of Hawai'i Office of Aging, International Longshore and Warehouse Union Local 142, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Women's Coalition, Zonta Club of Hilo, and four individuals.

Your Committee finds the State's Aging and Disability Resource Center is a navigational tool intended to streamline access to long-term supports and services for older adults, individuals with disabilities, and family caregivers. Funding for the Aging and Disability Resource Center also supports county area agencies, which provide aging and disability resource centers at the county level. Your Committee further finds that funding for the Aging and Disability Resource Center will help sustain the capacity for the Executive Office on Aging and the county Area Agencies on Aging to operate as a statewide, fully functional Aging and Disability Resource Center

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1024 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

# SCRep. 546 Commerce, Consumer Protection, and Health on S.B. No. 1045

The purpose and intent of this measure is to require barber, beauty operator, and instructor licensees under the Board of Barbering and Cosmetology to complete a one-time, one-hour training program on intimate partner violence awareness and education.

Your Committee received testimony in support of this measure from the Hawaii'i State Commission on the Status of Women; Hawaii State Coalition Against Domestic Violence, LGBT Caucus of the Democratic Party of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual. Your Committee received comments on this measure from the Board of Barbering and Cosmetology.

Your Committee finds that national statistics show one in four women and one in seven men will be abused by an intimate partner in their lifetime. Professionals in the beauty industry have a unique opportunity to notice signs of abuse and often enjoy close and trusting relationships with their clients. These professionals have a unique opportunity to provide advice, resource information, and assistance. This measure will help equip beauty industry professionals with information concerning the general dynamics of domestic violence and where victims can find resources in their communities across the State.

Your Committee further notes that a one-time, one-hour training program is not overly extensive or burdensome. Moreover, the measure holds licensees harmless for acting in good faith or failing to act on information concerning potential intimate partner violence, providing appropriate safeguards for licensees.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1045 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 547 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.B. No. 763

The purpose and intent of this measure is to require the Department of Business, Economic Development, and Tourism, in consultation with the Department of Agriculture, to conduct a study assessing the economic impact of companies selling products in the United States using place-based marketing without any material ties to the State.

Your Committees received testimony in support of this measure from the Department of Agriculture, Hawai'i Farm Bureau, Hawaii Coffee Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that many products manufactured in Hawaii use locally grown or produced agricultural products, despite the often higher costs of manufacturing those products within the State or using a particular quality of locally sourced ingredients. The State has policies and educational and marketing campaigns in place to increase local food production and decrease food imports, and many consumers have embraced the call to buy locally made and grown products. However, products without such material ties to the State have also been introduced into commerce and falsely use Hawaii place-based marketing, which has taken advantage of the Hawaii brand and misled many consumers. This measure will require the Department of Business, Economic Development, and Tourism, in collaboration with the Department of Agriculture, to conduct a study of impacts and recommendations to maintain and protect the integrity of Hawaii-branded products and support Hawaii's economy.

Your Committees have amended this measure by inserting an appropriation amount of \$250,000 for the study.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 763, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 763, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

## SCRep. 548 (Joint) Energy, Economic Development, and Tourism and Technology on S.B. No. 990

The purpose and intent of this measure is to:

- (1) Transfer all powers, duties, and obligations held by the Hawaii Strategic Development Corporation and the Broadband Division of the Department of Business, Economic Development, and Tourism to the Hawaii Technology Development Corporation; and
- (2) Repeal the Hawaii Strategic Development Corporation.

Your Committees received comments on this measure from the Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Hawaii Strategic Development Corporation; and Hawaii Technology Development Corporation.

Your Committees find that most of the jobs in the State's economy are relatively low-paying, service-sector jobs. As technology advances, rapid transformation of various industries is taking place. Thus, the need to prepare the future workforce through an emphasis on science, technology, engineering, and math education and other technology-focused strategies to capture opportunities for higher paying jobs becomes necessary. This measure seeks to pool the resources and focus efforts of various state agencies by consolidating state technology-based economic development efforts into one agency.

However, your Committees recognize that the transition proposed by this measure may take more time and resources than are desired at this time to produce the intended effect. Your Committees find that a study may be a more prudent way to first assess and identify specific policy and procedural changes that are necessary to effectuate technology-based economic development.

Accordingly, your Committees have amended this measure by deleting its contents and inserting language to:

- (1) Require the Department of Business, Economic Development, and Tourism to engage a consulting firm to conduct a study to evaluate policies and organizational changes needed within the Department of Business, Economic Development, and Tourism that will enable the State to successfully execute a technology-based economic development strategy; and
- (2) Appropriate \$70,000 for fiscal year 2019-2020 for the Department of Business, Economic Development, and Tourism to engage the consulting firm to conduct the study.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 990, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 990, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Moriwaki).

## SCRep. 549 (Joint) Energy, Economic Development, and Tourism and Transportation on S.B. No. 1000

The purpose and intent of this measure is to prohibit the issuance of building permits for all new multi-family residential buildings that have twenty or more parking stalls and new commercial buildings that have forty or more parking stalls unless at least twenty-five percent of the parking stalls are electric vehicle charger ready.

Your Committees received testimony in support of this measure from Hawaiian Electric Company, Inc.; Tesla; Big Island EV Association; ChargePoint, Inc.; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; Ulupono Initiative; Blue Planet Foundation; and fourteen individuals. Your Committees received testimony in opposition to this measure from the Building Owners and Managers Association, Hawaii Legislative Action Committee of the Community Associations Institute, Associa, and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; and Elemental Excelerator.

Your Committees find that electric vehicles are a viable alternative to gasoline-powered vehicles and align with the State's clean energy initiative. While public interest in electric vehicles is growing, the lack of vehicle charging stations is a barrier preventing many residents from purchasing electric vehicles. Your Committees also find that most electric vehicle owners charge their vehicles at home or work, but unfortunately the vast majority of parking facilities are not being built to accommodate electric vehicle chargers. Your Committees further find that requiring parking stalls to be electric vehicle charger ready results in significant long-term savings because it is cheaper to install the required infrastructure during the initial construction of the building rather than through retrofitting. This measure will require more new multi-family residential and commercial buildings to have electric vehicle charger ready parking stalls, thereby making electric vehicle ownership more convenient and furthering Hawaii's clean energy initiative.

Your Committees have amended this measure by:

- Amending the electric vehicle charger ready requirement for new multi-family residential buildings to apply to those buildings with ten or more parking stalls;
- Amending the electric vehicle charger ready requirement for new commercial buildings to apply to those buildings with twenty or more parking stalls;
- (3) Reducing the minimum percentage of parking stalls in new multi-family residential and new commercial buildings that must be electric vehicle charger ready from twenty-five percent to twenty percent; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1000, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1000, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

#### SCRep. 550 (Joint) Energy, Economic Development, and Tourism and Government Operations on S.B. No. 1003

The purpose and intent of this measure is to:

- (1) Establish the temporary Innovative Project Delivery Guidelines Task Force within the Department of Accounting and General Services:
- (2) Require the Department of Accounting and General Services to adopt rules based on the Task Force's recommendations for the use of innovative project delivery approaches by state agencies; and
- (3) Appropriate funds for the procurement, hiring, or securing of experts and professional advisory services.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Department of Transportation, and Ulupono Initiative. Your Committees received comments on this measure from the State Procurement Office, Building Industry Association of Hawaii, and one individual.

Your Committees find that the existing public procurement code does not preclude innovative project delivery modes, but more guidance and specific procedures are needed. This measure establishes the Innovative Project Delivery Guidelines Task Force to develop guidelines and procedures that will enable state agencies to enter into innovative project delivery arrangements for qualified public infrastructure projects.

Your Committees have amended this measure by:

- (1) Adding the Administrator of the State Procurement Office or Administrator's designee to the Innovative Project Delivery Guidelines Task Force; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1003, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1003, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Government Operations: Ayes, 5. Noes, none. Excused, none.

# SCRep. 551 (Joint) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health on S.B. No. 1241

The purpose and intent of this measure is to allow the Department of Business, Economic Development, and Tourism to share energy data with the Department of Health in order to increase the accuracy of and reduce the levels of uncertainty in the Department of Health's annual greenhouse gas progress reports.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Department of Health; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; and one individual.

Your Committees find that climate change poses an environmental, economic, and public health threat and Hawaii is particularly vulnerable to increases in sea levels, storm intensity, flooding, and beach erosion. To address Hawaii's contribution to climate change, a 2020 greenhouse gas emissions limit was established in 2007, mandating the State to reduce its statewide emissions to levels at or below 1990 levels by January 1, 2020.

Under existing state law, the Department of Health is responsible for preparing the annual greenhouse gas progress reports, which provide statewide greenhouse gas emission inventory estimates and updates and assess progress being made toward achieving the 2020 greenhouse gas emissions limit, estimate uncertainties, and support the determination of whether or not the 2020 limit has been met and will be sustained. However, access to energy data obtained pursuant to chapter 486J, Hawaii Revised Statutes, is restricted to certain departments, which do not include the Department of Health. This measure will allow the Department of Health access to energy data to aid in the completion of its annual greenhouse gas progress reports, thereby resulting in more accurate annual reports that allow the State to better regulate greenhouse gas emissions.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1241 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 552 (Majority) Energy, Economic Development, and Tourism on S.B. No. 714

The purpose and intent of this measure is to:

- (1) Impose the transient accommodations tax on resort fees that are calculated separately from the advertised transient accommodation's rate;
- (2) Amend the formula for the amount of transient accommodations tax to be collected from time shares by increasing the base on which time share occupancy is taxed from fifty percent to one hundred percent of the gross daily maintenance fees paid by the owner and are attributable to the time share unit; and
- (3) Specify that the transient accommodations tax is to be collected from transient accommodations intermediaries who arrange transient accommodations at noncommissioned negotiated contract rates in the same manner as transient accommodations operators.

Your Committee received testimony in opposition to this measure from the Hawai'i Lodging and Tourism Association; Prince Resorts Hawaii; Kohala Coast Resort Association; OLS Hotels and Resorts; Waikoloa Beach Marriott Resort and Spa; Honolulu County Republican Party; Sheraton Kauai Resort; Aqua-Aston Hospitality; Hampton Inn & Suites Oahu/Kapolei; Soleil Management Hawaii, LLC; Marriott Vacations Worldwide Corporation; Maui Hotel & Lodging Association; Outrigger Waikiki Beach Resort and Outrigger Reef Waikiki Beach Resort, Marriott Ko Olina Beach Club, Outrigger Hospitality Group; Marriott's Maui Ocean Club; Hyatt Resorts Hawaii; ARDA Hawaii; Hyatt Regency Resort; Pualeilani Atrium Shops at Hyatt Regency Waikiki Beach Resort & Spa; Hyatt Regency Waikiki Beach Resort & Spa; Outrigger Enterprises Group; Trump International Hotel Waikiki; Kyo-ya Management Co., Ltd.; and two individuals. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that in recent years, the transient accommodations industry has expanded rapidly, especially in tourist destinations such as Hawaii. Although technological advancements have improved the lifestyle for many consumers, they have also introduced issues with tax compliance. Your Committee believes that further refinement and specificity are needed to address the growth of the transient accommodations industry while protecting the interests of state residents.

Your Committee has amended this measure by:

- (1) Amending the definition of "resort fees" to mean only mandatory charges or surcharges;
- (2) Changing the statutory placement of language requiring transient accommodations intermediaries to register with the Director of Taxation before arranging to furnish transient accommodations at noncommissioned negotiated contract rates, along with associated requirements, from section 237D-4 to section 237D-4.5, Hawaii Revised Statutes;
- (3) Making conforming amendments in section 237D-4.5, Hawaii Revised Statutes, to reflect the consolidation of certain entities into the definition of "transient accommodations intermediaries"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 714, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 714, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4; Ayes with Reservations (Inouye). Noes, 1 (Fevella). Excused, none.

# SCRep. 553 (Joint) Water and Land and Energy, Economic Development, and Tourism on S.B. No. 1386

The purpose and intent of this measure is to:

(1) Require the Department of Land and Natural Resources to develop, submit, and evaluate progress on a state 2030 natural resources conservation goal action plan; and

(2) Allocate one percent of the revenues of the transient accommodations tax to the Department of Land and Natural Resources in order to achieve the action plan.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Center for Biological Diversity, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Sierra Club of Hawaiʻi, and eight individuals. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that the protection and restoration of Hawaii's natural resources are essential to the quality of life of Hawaii's residents, culture, and economy. Your Committees find that the State is approaching a critical decade in which drastic steps must be taken to address the impacts of climate change. Your Committees therefore find it necessary to update and increase Hawaii's natural resources conservation programs to ensure maximum long-term benefit to Hawaii's environment, culture, and economy by increasing funding for the Department to reach those goals and by creating a state 2030 natural resources conservation goal action plan.

Your Committees have amended this measure by:

- (1) Designating that the one per cent allocation of revenues of the transient accommodations tax be deposited into the special land and development fund established pursuant to section 171-19, Hawaii Revised Statutes;
- (2) Authorizing funds in the special land and development fund to be used for the development, submission, and evaluation of progress of the state 2030 natural resources conservation goal action plan;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1386, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1386, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

### SCRep. 554 Labor, Culture and the Arts on S.B. No. 802

The purpose and intent of this measure is to appropriate or authorize funds or amend means of financing for various capital improvement projects of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure expresses adjustments to the projects funded, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 802 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 555 (Joint) Hawaiian Affairs and Water and Land on S.B. No. 1363

The purpose and intent of this measure is to:

- (1) Establish \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust;
- (2) Appropriate \$139,000,000, less certain funds in the carry-forward trust holding account, to the Office of Hawaiian Affairs for amounts received from use of the public land trust that the Legislature has determined were underpaid to the Office of Hawaiian Affairs from July 1, 2012, through June 30, 2019;
- (3) Require the Director of Finance to:
  - (A) Determine the minimum amount of receipts to be transferred, and actual amount transferred, by any agency that collects public land trust receipts to the Office of Hawaiian Affairs; and
  - (B) Transfer any amount actually transferred that is short of the minimum amount into the carry-forward trust holding account:
- (4) Require the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act; and
- (5) Establish a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Kamehameha Schools; Hawaii Farmers Union; Connections PCS; Hoʻomanapono Political Action Committee; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; Association of Hawaiian Civic Clubs Moku O Keawe - Hawaiʻi Council; Association of Hawaiian Civic Clubs; Prince Kūhiō Hawaiian Civic Club; Democratic Party of Hawaiʻi, Hawaiian Affairs Caucus; Native Hawaiian Chamber of Commerce; Kalihi-Palama Hawaiian Civic Club; and sixteen individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from the Society of Professional Journalists, Hawaii Chapter; and League of Women Voters.

Your Committees find that the State has a constitutional obligation to provide an adequate amount of income and proceeds as the pro rata portion of the public land trust for the betterment of the conditions of native Hawaiians. In 2006, the Office of Hawaiian Affairs and the State agreed to an interim annual amount of \$15,100,000 pending further action by the Legislature to meet its constitutional obligation. In 2012, the State again acknowledged the obligation and conveyed certain lands in Kakaako Makai, valued at approximately \$200,000,000, to the Office of Hawaiian Affairs to satisfy the State's constitutional obligations to native Hawaiians for the period between November 7, 1978, up to and including June 30, 2012. However, since 2012, no further payments have been made to satisfy the State's constitutional obligation relating to the Office of Hawaiian Affairs' pro rata share of the public land trust. Your Committees find that it is in the best interests of the Office of Hawaiian Affairs, its beneficiaries, and the State to enact another interim legislative measure regarding the Office of Hawaiian Affairs' constitutional pro rata share of the public land trust.

Your Committees have amended this measure by:

- (1) Inserting a blank amount as the Office of Hawaiian Affairs' annual pro rata share of the income and proceeds of the public land trust:
- (2) Inserting blank amounts for the minimum amount of receipts to be transferred by any agency that collects public land trust receipts to the Office of Hawaiian Affairs;
- (3) Inserting a blank amount for the appropriation to pay the Office of Hawaiian Affairs amounts received from the use of the public land trust that the Legislature has determined were underpaid to the Office of Hawaiian Affairs; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees respectfully request your Committee on Ways and Means to weigh the merits of holding funds in the carry-forward trust holding account versus making annual payments to the Office of Hawaiian Affairs.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1363, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1363, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 4; Ayes with Reservations (Ihara). Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 556 (Joint) Housing and Energy, Economic Development, and Tourism on S.B. No. 1081

The purpose and intent of this measure is to:

- Expand the qualified expenditures of individual development account funds to rental housing associated costs, transportation associated costs, costs related to the purchase or repair of a motor vehicle, and qualified business capitalization expenses for a small business;
- (2) Expand the eligibility for state-funded individual development accounts to individuals with income up to 100 percent of the area median income;
- (3) Clarify certain requirements for fiduciary organizations;
- (4) Require the Department of Business, Economic Development, and Tourism to certify the tax credits for contributions;
- (5) Establish requirements for fiduciary organizations to maintain state match funds for individual development accounts; and
- (6) Reactivate the individual development account tax credit for taxable years 2020 through 2024.

Your Committees received testimony in support of this measure from the Hawaiian Community Assets, Hawai'i Alliance for Community-Based Economic Development, Hawaii State Federal Credit Union, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii HomeOwnership Center, and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; and Tax Foundation of Hawaii.

Your Committees find that individual development accounts are matched savings accounts that enable low- and moderate-income individuals to save, build assets, obtain stable housing, and ensure a financially secure future. Your Committees further find that individual development accounts assist low- and moderate-income individuals who are participating in financial education and use the savings for targeted purposes, such as housing, post-secondary education, small business development, and transportation for work and school

Your Committees also find that the individual development account tax credit ended in 2004. Your Committees believe that although the fiscal impacts of reinstating the tax credit are unknown, there is merit in reinstating this tax credit to help low- and moderate-income individuals become more financially secure and stable in the future.

Your Committees have amended this measure by:

- (1) Changing the income cap of an individual development account holder from 100 percent of the area household median income to an unspecified percentage;
- (2) Changing references of the Business Development and Support Division of the Department of Business, Economic Development, and Tourism to the Department of Human Services, thereby reinstating the Department of Human Services as the manager of fiduciary organizations' responsibilities and certifier of individual development account tax credits;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that it is the intent of your Committees to integrate this measure with Senate Bill No. 1310, Regular Session of 2019, which is the individual housing accounts measure.

As affirmed by the records of votes of the members of your Committees on Housing and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1081, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1081, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

### SCRep. 557 (Joint/Majority) Education and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 171

The purpose and intent of this measure is to create a county education task force to establish a process for the transfer of jurisdiction over all public schools that are located in a county with a population greater than five hundred thousand, including all state public education functions and funding, from the State to the county.

Your Committees received testimony in support of this measure from the Office of the Mayor of the City and County of Honolulu and one individual. Your Committees received testimony in opposition to this measure from the Office of the Governor, Department of Education, Board of Education, and Hawaii State Teachers Association. Your Committees received comments on this measure from the Department of Budget and Finance, Legislative Reference Bureau, and Democratic Party of Hawai'i Education Caucus.

Your Committees find that funding for public education in Hawaii is primarily sourced from the general fund of the State. Because providing adequate funding for public education statewide has become a challenge, establishing a county education task force to look at the possibility of transferring jurisdiction over public schools from the State to the counties will allow the task force to gain a better understanding of school financing and jurisdiction. This measure allows for collaboration amongst all levels of the educational network to improve financing mechanisms for public education and school governance that will better improve the overall education system in Hawaii.

Your Committees have amended this measure by:

- (1) Expanding the scope of the process created by the county education task force for the transfer of jurisdiction over all public schools from the State to the county in which the public school is located to include all counties; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 171, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 171, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 3; Ayes with Reservations (Kanuha, Kim). Noes, none. Excused, 2 (Dela Cruz, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, 1 (Harimoto). Excused, 1 (Fevella).

### SCRep. 558 (Joint) Education and Higher Education on S.B. No. 255

The purpose and intent of this measure is to:

- (1) Require by the end of the 2019-2020 school year, that all public schools; private schools; public charter schools; University of Hawaii and its divisions, campuses, and institutions; and private colleges and universities and their divisions, campuses, and institutions have automated external defibrillators (AEDs) situated in a permanent location on campus;
- (2) Require the public schools, private schools, public charter schools, University of Hawaii, and private colleges and universities that have an athletic trainer to have AEDs available at each sporting event;
- (3) Require AEDs to be maintained and tested regularly; and
- (4) Provide any person who uses, places, or provides for an AED with immunity from civil liability, except as may result from the person's gross negligence or wanton acts or omissions.

Your Committees received testimony in support of this measure from the Department of Education; State Public Charter School Commission; Hawaii State Teachers Association; Hawaii Primary Care Association; Kids 4 CPR, Inc.; AED Institute of America, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; American Heart Association; The Future Healthcare Professionals of America Club at St. Andrew's Schools – The Priory; Heart Start Hawaii Foundation; Kalani High School Health Academy; and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii Association for Justice. Your Committees received comments on this measure from the Hawaii Athletic Trainers Association.

Your Committees find that AEDs are an important tool in responding to emergency situations. In addition, your Committees find that AEDs have been used on several occasions over the past several years to save the lives of student athletes, teachers, athletic coaches, and spectators of sporting events. This measure ensures that AEDs are available on all public school, public charter school, and University of Hawaii campuses to improve schools' and the community's ability to respond to a medical emergency.

Your Committees have amended this measure by deleting its contents and inserting language that:

- (1) By the end of the 2020-2021 school year, requires all public schools, public charter schools, and University of Hawaii divisions, campuses, and institutions to have an AED on campus;
- (2) Requires the public schools; public charter schools; and University of Hawaii divisions, campuses, and institutions that have an athletic trainer to ensure that the athletic trainer is trained and certified in the use of an AED; and
- (3) Inserts an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 255, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 255, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 559 (Joint) Education and Higher Education on S.B. No. 1474

The purpose and intent of this measure is to increase the general excise tax by 0.5 percent to provide a dedicated funding source for the Department of Education and University of Hawaii.

Your Committees received testimony in support of this measure from the Department of Education, University of Hawai'i System, Hawaii State Teachers Association, Americans for Democratic Action Hawai'i, Democratic Party of Hawai'i, Democratic Party of Hawai'i Education Caucus, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and six individuals. Your Committees received testimony in opposition to this measure from the Hawaii Food Industry Association, Retail Merchants of Hawaii, Honolulu County Republican Party, and five individuals. Your Committees received comments on this measure from the Department of Taxation, Department of Budget and Finance, Tax Foundation of Hawaii, and Life of the Land.

Your Committees find that Hawaii's public schools are critically underfunded. Many schools in the State require extensive upgrades or renovations, including the installation of air conditioning and other heat abatement measures. Teacher compensation and per-pupil spending are far below the national average. Expansions of prekindergarten, fine arts and humanities, and vocational education programs are required to better serve public school students. An increase in the general excise tax will provide the additional revenues necessary to meet these goals.

Your Committees have amended this measure by:

- (1) Including the following amendments suggested by the Department of Taxation:
  - (A) Amending sections 237-15, 237-16.5, and 237-18, Hawaii Revised Statutes, to insert the omitted increase; and
  - (B) Increasing the use tax to correspond with the increase in the general excise tax;
- (2) Inserting blank amounts for the minimum amount of revenues that shall be deposited into respective special accounts in the general fund for appropriation to and expenditure for operations of the Department of Education and University of Hawaii;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1474, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1474, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 560 Commerce, Consumer Protection, and Health on S.B. No. 1043

The purpose and intent of this measure is to:

- (1) Require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health care services, drugs, devices, products, and procedures; and
- (2) Prohibit discrimination in the provision of reproductive health care services.

Your Committee received testimony in support of this measure from Planned Parenthood Votes Northwest and Hawaii, Save Medicaid Hawaii, AAUW of Hawaii, Hawaii Women's Coalition, Hawai'i Section of the American College of Obstetricians and Gynecologists, LGBT Caucus of the Democratic Party of Hawai'i, Midwives Alliance of Hawaii, Healthy Mothers Healthy Babies, Hawaii State Coalition Against Domestic Violence, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, ACLU of Hawaii, and seventy-seven individuals. Your Committee received testimony in opposition to this measure from one

individual. Your Committee received comments on this measure from the Department of Health, Department of Commerce and Consumer Affairs, Department of the Attorney General, and Hawaii Medical Service Association.

Your Committee finds that the current Presidential Administration and congressional leaders have made it clear that enacting additional restrictions on health care access and undermining consumer protections are one of their top priorities. Most recently, the Administration has sought to enact rules that would allow employers to refuse to provide contraception coverage on the basis of moral and religious reasons. Given these attacks on basic rights and health care, it is more important than ever that access to health care is protected in the State. Numerous studies have shown that public investment in reproductive health and family planning services saves far more in long term health care costs. Data also shows the devastating health consequences that occur when a patient does not have access to these basic services.

This measure ensures that Hawaii residents do not lose access to no-copay preventive services such as birth control, well-women exams, and lifesaving cancer screenings. This measure also ensures that all people in Hawaii, regardless of gender, gender identity, or sexual orientation, receive equal access to comprehensive sexual and reproductive health care, without discrimination. Hawaii must continue its leadership in promoting all peoples' access to the health care they deserve, no matter what happens at the federal level.

Your Committee further notes that the covered health care services in this measure are not new mandates, but represent updates to current mandates to include best practice treatments and advancing technologies.

Your Committee has amended this measure by:

- (1) Clarifying that the required preventive care coverage proposed by this measure includes screening and appropriate counseling or interventions for:
  - (A) Substance abuse, including tobacco and electronic smoking devices, and alcohol; and
  - (B) Mental health screening and counseling, including depression;
- (2) Requiring a bill or statement for services from any health care provider or health insurer, mutual benefit society, or health maintenance organization to be sent directly to the person receiving the services; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1043, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1043, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 561 Commerce, Consumer Protection, and Health on S.B. No. 639

The purpose and intent of this measure is to specify that:

- (1) Ten percent of the monies in the Hawaii tobacco settlement special fund shall be allocated to and expended by the Department of Health for purposes of the kupuna care program and the kupuna caregivers program; and
- (2) The deposit of tobacco settlement monies shall not supplant the base budget of the Executive Office on Aging.

Your Committee received testimony in support of this measure from the University of Hawai'i System; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Family Caregiver Coalition; United Public Workers, AFSCME, Local 646, AFL-CIO; ILWU Local 142; Catholic Charities Hawai'i; and Caring Across Generations. Your Committee received testimony in opposition to this measure from five individuals. Your Committee received comments on this measure from the Department of the Attorney General and Executive Office on Aging.

Your Committee finds that Hawaii's aging population motivated the Legislature to pass the landmark kupuna caregivers program in 2017 to support qualified caregivers by providing up to \$70 per day to cover the cost of adult care, chore services, home-delivered meals, homemaker services, personal care, respite, or transportation. Furthermore, the kupuna caregivers program provides needed respite for caregivers who are caring for their loved ones while also holding down their own employment.

Your Committee further finds that as a result of its arbitration settlement with the tobacco industry, the State received monies from tobacco companies, which are deposited into the Hawaii tobacco settlement special fund. Many of today's kupuna were likely to have been smokers in the past and may be suffering from smoking-related diseases, resulting in the need for caregivers in the State. This measure provides additional resources for the kupuna caregivers program to allow caregivers who are juggling their own employment with their caregiving responsibilities to simultaneously take care of their kupuna and themselves. Your Committee further notes that the intent of this measure is to preserve the allocation percentage that is appropriated into the university revenue-undertakings fund for the University of Hawaii and instead reduce the allocation to the general fund.

Your Committee notes that according to testimony from the Executive Office on Aging, the Governor's biennium base budget request includes a total of \$9,000,000 for the kupuna care program and \$1,200,000 for kupuna caregivers. The Executive Office on Aging supports this request, as these funds are necessary to continue the valuable services provided by the kupuna care and kupuna caregivers programs.

Your Committee has amended this measure by:

- (1) Including the following amendments suggested by the Department of the Attorney General:
  - (A) Clarifying that ten percent of the monies in the Hawaii tobacco settlement special fund shall be appropriated to the Executive Office on Aging for the purposes of the kupuna care program and kupuna caregivers program; and

- (B) Deleting the provision to prohibit supplanting of the base budget of the Executive Office on Aging; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 639, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 639, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 562 Commerce, Consumer Protection, and Health on S.B. No. 1244

The purpose and intent of this measure is to clarify that liability for illegally selling tobacco products including an electronic smoking device, to a person under the age of twenty-one is borne by the retail entity or individual who holds a valid permit to sell tobacco products, rather than an employee.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Public Health Institute, Black Lava Vape, Blue Zones Project, Ho'omanapono Political Action Committee, and six individuals. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii, Hawaii Smokers Alliance, and twenty-four individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that ninety-five percent of smokers start smoking before they turn twenty-one; therefore, preventing the sale of tobacco products to minors below the age of twenty-one may reduce smoking initiation in children and teens. Under existing law, selling tobacco products and electronic smoking devices to minors is prohibited and results in a fine. However, there is confusion about whether the retailer, tobacco product permittee, electronic smoking device registration holder, or the employee who conducted the prohibited transaction receives the penalty for the violation. This measure clarifies that penalties shall be imposed not on employees but on the retailers and permittees who are best placed to impose effective best practices in their retail locations to ensure that sales to underage customers do not reoccur. Your Committee further finds that clearly placing penalties on the retailer or permittee aligns Hawaii with United States Food and Drug Administration policy, which addresses warning letters on inspection violations and corrective actions to the retailers, and not employees.

Your Committee has amended this measure by:

- (1) Clarifying that the entities that bear the liability for the illegal sale of tobacco products to persons under the age of twenty-one include registrants required to register with the electronic smoking device retailer registration unit; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1244, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1244, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 563 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 146

The purpose and intent of this measure is to:

- (1) Authorize the State Fire Council to use monies in the reduced ignition propensity cigarette program special fund to support the duties and responsibilities of the State Fire Council;
- (2) Specify the testing procedures of the reduced ignition propensity cigarette program; and
- (3) Provide that manufacturers of cigarettes that fail reduced ignition propensity testing at a certain rate may be subject to civil fines

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Hawai'i County Fire Department, and Maui Fire Department.

Your Committee finds that the State Fire Council is responsible for reviewing and adopting the state fire code, providing administrative oversight of the reduced ignition propensity cigarette program, providing assistance with the application and administration of federal grants for fire-related projects, and assisting and coordinating with the statewide delivery of fire training programs, among other tasks. The reduced ignition propensity cigarette program was established in 2009 to require that only reduced ignition propensity cigarettes are sold in the State. Fees from cigarette manufacturers are paid to the State Fire Council and deposited into the reduced ignition propensity cigarette program special fund, and monies from that fund are used to fund compliance inspections, cigarette purchases, shipping costs to certified laboratories, and testing fees. Your Committee further finds that this measure would provide a steady source of funding to the State Fire Council to hire additional staff and effectively administer the reduced ignition propensity cigarette program, while also establishing a testing process to be followed by the State Fire Council for the program.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 146 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 564 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 148

The purpose and intent of this measure is to specify the allowable fire protections systems certifications that an individual may obtain to more closely align the state fire code with nationally recognized standards.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Kaua'i Fire Department, Hawai'i Fire Department, and Maui Fire Department.

Your Committee finds that fire extinguishers and fire protection and fire alarm systems require routine maintenance to ensure reliable operability when used by fire department personnel and to protect building occupants during emergency situations. Individuals that conduct maintenance testing for these fire safety systems must be licensed under the testing, certifying, and credentialing requirements established by the State Fire Council. This measure further specifies additional distinct fire protection system licenses that individuals are required to obtain for performing maintenance and testing of fire safety systems.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 148 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 565 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 152

The purpose and intent of this measure is to correct labeling dimensions for display fireworks, articles pyrotechnic, and aerial devices.

Your Committee received testimony in support of this measure from the State Fire Council; Honolulu Fire Department; Kaua'i Fire Department; Maui Fire Department; Hawaii Explosives & Pyrotechnics, Inc.; and one individual.

Your Committee finds that the labeling requirements for fireworks are essential to upholding public safety and property protection. However, the language in existing statute relating to labeling requirements for display fireworks, articles pyrotechnic, and aerial devices was not enacted as intended. This measure clarifies the labeling requirement dimensions to conform with industry standard code.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 152 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 566 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 397

The purpose and intent of this measure is to require contractors and subcontractors to submit tax clearances as a condition of obtaining building permits for private developments exceeding a certain value and submit additional tax clearances before assignment of a contract for private developments exceeding a certain value.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that a tax clearance is verification that an entity has paid all of its tax liability on the matter in question. Your Committee additionally finds that, pursuant to section 103-53, Hawaii Revised Statutes, tax clearances are required for all state and county contracts unless an exception applies. Additionally, every two years, the Contractors State License Board requires contractors to renew their contractor's license, and one of the requirements to renew the license is to submit a tax clearance certificate.

Furthermore, your Committee finds that submitting applications electronically to the Department of Taxation for tax clearances is not currently required. Your Committee further finds that giving the Department of Taxation the authority to require that tax clearance applications be submitted electronically is in the best interests of the State.

Your Committee has amended this measure by authorizing the Department of Taxation to require that tax clearance applications be submitted electronically.

Your Committee notes that the term "most recent tax clearances" is not defined in this measure and request that your Committee on Ways and Means consider defining this term with a specific time period, similar to the way the specific period is specified in section 103-53, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 397, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 397, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 567 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 604

The purpose and intent of this measure is to repeal the requirement that a disabled veteran be in receipt of disability retirement pay in order to be exempt from the payment of annual vehicle registration fees.

Your Committee received testimony in support of this measure from the Department of Defense, Department of Transportation, State Office of Veterans Services, and one individual. Your Committee received comments on this measure from the Tax Foundation of Hawaii

Your Committee finds that the State must properly appreciate and honor its disabled veterans. State law currently provides disabled veterans with an exemption from registration fees for certain vehicles, provided that the disabled veteran meets certain conditions. Removing the unnecessary condition that the disabled veteran be in receipt of disability retirement pay to qualify for the registration fee exemption would allow more disabled veterans to benefit from this exemption.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 604 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 568 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 608

The purpose and intent of this measure is to define and create restrictions on the use of administrative segregation and disciplinary segregation in correctional facilities for the well-being of prisoners.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Community Alliance of Prisons, Hawaii Friends of Restorative Justice, Ho'omanapono Political Action Committee, and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety and two individuals.

Your Committee finds that over the past four years, the Department of Public Safety has participated with the American Correctional Association in standardizing its policies on administrative and disciplinary segregation according to current national best practices. The Department of Public Safety not only follows the standards set by the American Correctional Association but it also has instituted more cautionary practices.

Your Committee further finds that while the Department of Public Safety has applicable standards in place, creating minimum standards in statute helps ensure appropriate oversight of important matters.

Your Committee has amended this measure by:

- (1) Adopting provisions listed in the American Bar Association's Standards for the Treatment of Prisoners for prisoners in administrative segregation;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 608, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 608, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 569 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 645

The purpose and intent of this measure is to:

- Require that the revocation of license period for operating a vehicle under the influence of an intoxicant be tolled for any
  period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person;
- (2) Establish requirements for the removal of the ignition interlock device; and
- (3) Allow a defendant to enroll or participate in an alcohol or substance abuse education or treatment program or a sobriety program prior to conviction, which may count toward satisfying any mandatory enrollment or participation later ordered by the court.

Your Committee received testimony in support of this measure from the Traffic Injury Research Foundation; Smart Start, LLC; Hawaii Chapter of Mothers Against Drunk Driving; Foundation for Advancing Alcohol Responsibility; and one member of the City Council of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from SCRAM Systems.

Your Committee finds that operating a vehicle under the influence of an intoxicant is unlawful and extremely dangerous. Your Committee further finds that the State's ignition interlock program places ignition interlock systems on vehicles owned and operated by persons who have been convicted of operating a vehicle under the influence of an intoxicant. Your Committee additionally finds that it is sometimes possible for offenders to regain their driving privileges before an interlock device is actually installed on their vehicle. This measure will strengthen the interlock ignition program by requiring compliance with the program prior to removal of an interlock device and allowing courts the option of utilizing a sobriety program or education or treatment program.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 645 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 570 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 684

The purpose and intent of this measure is to:

- (1) Exempt members of a county council from the limitation on the number of members that may attend an informational meeting or presentation on matters relating to official board business; and
- (2) Clarify that such meetings for which two or more members of a board, but less than a quorum, may attend shall be meetings that are open to the public.

Your Committee received testimony in support of this measure from the County of Hawai'i Office of the Mayor, one member of the Kaua'i County Council, and two individuals. Your Committee received testimony in opposition to this measure from the Office of Information Practices, Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, Hawaii Chapter Society of Professional Journalists, and Common Cause Hawaii.

Your Committee finds that informational meetings and presentations open to the public provide the opportunity for individuals who have an interest to attend and learn more about the subject matter being discussed. However, there is currently limited flexibility under state law for a county council member to attend such meetings and presentations as an individual with a similar private interest. This measure allows council members to stay informed on developing policy issues throughout their respective counties to fulfill their duty and better serve the public.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 684, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 684, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Feyella).

### SCRep. 571 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1217

The purpose and intent of this measure is to:

- (1) Apply the protections of civil relief for state military forces to persons serving on full-time National Guard duty under title 32 of the United States Code (Title 32); and
- (2) Bring provisions in line with the Servicemembers Civil Relief Act, codified in title 50 United States Code chapter 50, section 3901 et seq.

Your Committee received testimony in support of this measure from the Department of Defense.

Your Committee finds that currently a coverage gap exists for service members serving on full-time National Guard duty in the State. The Servicemembers Civil Relief Act covers Title 32 service members mobilized to respond to a national emergency declared by the President but does not extend to service members on full-time National Guard duty pursuant to Title 32, nor are these members covered by the State of Hawaii equivalent, Civil Relief for State Military Forces under chapter 657D, Hawaii Revised Statutes. This measure cures this coverage gap.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1217 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 572 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1305

The purpose and intent of this measure is to:

- (1) Allow law enforcement agencies to safely dispose of confiscated fireworks except for a sample that is to be retained for evidentiary purposes;
- (2) Authorize the court to establish a step-up fine based on the amount of fireworks confiscated and to impose a disposal fine to reimburse law enforcement agencies for the costs of safely disposing of confiscated fireworks;
- (3) Establish that each type of fireworks unlawfully imported, purchased, possessed, ignited, or discharged constitutes a separate offense; and
- (4) Appropriate funds to the Honolulu Police Department for a secure container in which to store confiscated fireworks.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Honolulu Police Department, Hawaii Fire Department of the County of Hawaii, Maui Fire Department, Kauaii Fire Department, Poi Dogs and Popoki, and five individuals.

Your Committee finds that the use of unlawful fireworks outside of appropriate times and contexts is a widespread public health and safety hazard. Your Committee further finds that existing restrictions on illegal fireworks are not sufficient to control the improper use

of these devices. Your Committee additionally finds that the storage of confiscated fireworks is extremely dangerous and must be done under strict protocols. This measure will strengthen the penalties for the unlawful use of fireworks and provide law enforcement with the resources to safely store and dispose of confiscated fireworks.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1305 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 573 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1321

The purpose and intent of this measure is to:

- Clarify that failure to register a firearm within the required time period does not relieve the owner of the duty to register the firearm; and
- (2) Allow the owner of an unregistered firearm to register the firearm thereafter without penalty.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawaii Firearms Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one hundred twenty-five individuals. Your Committee received testimony in opposition to this measure from twelve individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that firearm registration requirements play an important role in ensuring the safe and responsible possession and use of firearms in Hawaii. Your Committee further finds that imposing a penalty for late registration can have the unintended effect of discouraging otherwise lawful owners of firearms from registering their firearms if they miss the registration deadline. This measure will clarify that the duty to register a firearm continues past the registration deadline and allow owners of unregistered firearms to register their firearms without penalty.

Your Committee has amended this measure by:

- (1) Clarifying that the ongoing duty to register a firearm does not apply to devices exempt from firearm registration requirements;
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1321, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1321, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 574 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 670

The purpose and intent of this measure is to increase the maximum fine that may be assessed per fireworks-related violation from \$2,000 to \$5,000 if the fireworks violation does not otherwise have a specific penalty enumerated in chapter 132D, Hawaii Revised Statutes

Your Committee received testimony in support of this measure from Poi Dogs and Popoki and six individuals.

Your Committee finds that the unlawful use of aerial fireworks during celebrations causes significant public disruption and concern. Your Committee further finds that the increasing unlawful use of fireworks demonstrates that existing penalties for unlawful use are not sufficient deterrents. This measure will create a stronger deterrent by increasing the maximum fines associated with illegal fireworks.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 670 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 575 Labor, Culture and the Arts on S.B. No. 1204

The purpose and intent of this measure is to clarify the eligibility of surviving children to receive benefits under the Employer-Union Health Benefits Trust Fund by amending the definitions of "dependent-beneficiary" and "employee-beneficiary" as used in chapter 87A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) offers health benefits to dependents of state and county employees and retirees. Your Committee further finds that under existing law, when an employee is killed in the performance of the employee's duty, the employee passes away when eligible for retirement, or the retiree passes away, the employee's or retiree's surviving spouse's children that are born after the employee's or retiree's death are eligible to participate in benefit plans offered by the fund. However, your Committee finds that a child born or legally adopted after an employee's or retiree's death who is

not the natural or adopted child of the deceased employee or retiree should not be eligible to participate in fund benefit plans because the child is not the child of the state or county employee or retiree.

Your Committee also finds that under existing law, the definition of "employee-beneficiary" limits coverage of surviving children of employees who pass away when eligible for retirement and retirees who pass away to age nineteen, which is lower than surviving children of employees who are killed in the performance of their duty. The date of coverage termination for surviving children of employees who pass away when eligible for retirement and retirees who pass away should be the same as surviving children of employees who are killed in the performance of their duty.

While this measure addresses those issues, your Committee notes that additional amendments related to dependent-beneficiaries are necessary to bring the EUTF into compliance with federal law and to update other references to conform with the State's civil union law.

Accordingly, your Committee has amended this measure by:

- (1) Updating the purpose section to reflect amendments made to this measure;
- (2) Bringing the definition of "dependent-beneficiary" into conformance with the federal Patient Protection and Affordable Care Act of 2010, which prohibits restricting health insurance coverage to only unmarried dependents and dependents who live with the employee-beneficiary and denying health insurance coverage to married dependents and dependents who do not live with the employee-beneficiary;
- (3) Upon recommendation of the EUTF, that for purposes of excluding a child born or legally adopted more than ten months after the date of the death of an employee killed in the performance of duty from the definition of dependent-beneficiary, clarifying that the employee is an "active" employee;
- (4) Updating references related to marriage to account for civil unions in sections 87A-32, 87A-33, 87A-34, 87A-35, and 87A-36, Hawaii Revised Statutes;
- (5) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1204, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1204, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

### SCRep. 576 Hawaiian Affairs on S.B. No. 701

The purpose and intent of this measure is to:

- (1) Designate February as "Ōlelo Hawai'i Month" to celebrate and encourage the use of Hawaiian language;
- (2) Require any Hawaiian words or names included in public acts and transactions to be accurate, appropriate, and authentic; and
- (3) Require all newly created, replaced, or reprinted state and county documents, letterheads, symbols, and emblems to contain accurate, appropriate, and authentic Hawaiian names and words beginning on January 1, 2020.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Center for Hawaiian Sovereignty Studies, five individuals, and a petition signed by eighty-six individuals. Your Committee received testimony in opposition to this measure from K&R Enterprises.

Your Committee finds that the State of Hawaii has long aspired to preserve the rich cultural heritage of Native Hawaiians. Article XV, section 4, of the Hawaii State Constitution establishes English and Hawaiian as the official languages of the State of Hawaii. By requiring the accurate, appropriate, and authentic use of Hawaiian names and words that utilize proper Hawaiian spelling and punctuation, this measure serves as an important step toward ensuring the renormalization and proliferation of the Hawaiian language as an official language of the State.

Your Committee notes concerns that diacritical marks, like 'okina and kahakō, were not traditionally used by Hawaiian speakers and that there are still communities today that eschew their use. However, like all living languages, Hawaiian is continuing to evolve and the majority of current Hawaiian speakers use 'okina and kahakō.

Your Committee has amended this measure by:

- Adding additional Hawaiian language works that may be referenced to determine the appropriateness, authenticity, and accuracy of Hawaiian names and words;
- (2) Removing part I as unnecessary, since the substance of that language has already been codified as section 8-24, Hawaii Revised Statutes; and
- (3) Making other technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 701, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 701, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

### SCRep. 577 Technology on S.B. No. 705

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Accounting and General Services.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Accounting and General Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by inserting an increase in the ceiling of the shared services technology special fund.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 705, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 705, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 578 Technology on S.B. No. 1443

The purpose and intent of this measure is to prohibit a company from receiving a grant in consecutive years under the manufacturing development program.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii. Your Committee received comments on this measure from the Hawaii Technology Development Corporation.

Your Committee finds that the Hawaii Technology Development Corporation's manufacturing assistance program (MAP) grant offers Hawaii-based manufacturers up to a twenty percent reimbursement, capped at \$100,000, on qualified expenses to help Hawaii manufacturers become globally competitive. Qualifying expenses include equipment purchases, training, energy efficiency projects, and manufacturing feasibility studies. Your Committee further finds that such assistance should impact as many companies as possible, therefore limiting a company from receiving MAP grants in consecutive years will enable more companies to benefit from the MAP grant.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1443 and recommends that it pass Second Reading and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

# SCRep. 579 Technology on S.B. No. 1382

The purpose and intent of this measure is to require the legislative broadcast program to make an audio or audiovisual recording of all public hearings and informational briefings held at the State Capitol and maintain an archive of the recordings, which shall be made available to the public.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons and four individuals. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that the public plays an important role in the legislative process by participating as testifiers and holding elected officials accountable for their decisions. Currently, the opportunity to view public hearings and informational briefings for many individuals is out of reach either because of financial constraints, physical limitations, or geographic barriers. A number of states provide livestreaming and archived videos of all public meetings held in their respective capitol buildings on public websites available to all. In this technological age, Hawaii should provide livestreaming of all such hearings so that the greatest number of Hawaii residents can view and thereby participate in the legislative process. Without access to these public hearings, especially when a legislative measure is being heard for the first time and during decision making, Hawaii constituents are less informed and deprived of full participation in the legislative process. Therefore, your Committee finds that investment in livestreaming, recording, and archiving audio or audiovisual recordings of all public hearings and informational briefings held at the State Capitol is necessary to allow full participation in the legislative process for all Hawaii residents.

Your Committee has amended this measure by:

- (1) Inserting the contents of S.B. No. 1313, Regular Session of 2019, which requires both chambers of the Legislature to enable livestreaming of all public hearings and informational briefings held at the State Capitol through the use of audiovisual technology, to be made available to the public; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee recommends that the Joint Legislative Access Committee, Disability and Communication Access Board, and Office of Enterprise Technology Services work together to expand the legislative broadcast program.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1382, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1382, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

### SCRep. 580 Technology on S.B. No. 291

The purpose and intent of this measure is to appropriate funds for the Office of Enterprise Technology Services.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services.

Your Committee finds that this measure provides a legislative vehicle should funding become available for the purposes of this measure prior to the end of the 2019-2021 fiscal biennium.

Your Committee's intent in recommending this measure for passage is for the items expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the items expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 291 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

#### SCRep. 581 Agriculture and Environment on S.B. No. 436

The purpose and intent of this measure is to require the Department of Health, in collaboration with the Federal Aviation Administration and the state Department of Transportation, to conduct a study on the impacts of aviation noise on residents of the State and appropriate funds for the study.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of the Mayor of the County of Hawaii, and seven individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that overhead helicopter noise from tour companies has continually disrupted residents who live along the helicopters' flight path. Your Committee further finds that it is the responsibility of the Department of Health to address excessive noise issues and the impacts of excessive noise in the State. Your Committee acknowledges that helicopter flight paths fall under the jurisdiction of the Federal Aviation Administration, but believes that the State must take steps to assess the situation and find a solution regarding helicopter noise and bring some relief to residents of the State.

Your Committee has amended this measure by inserting an appropriation amount of \$100,000 to the Department of Health to conduct the study.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 436, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 436, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 582 Agriculture and Environment on S.B. No. 897

The purpose and intent of this measure is to appropriate funds for an additional full-time Environmental Health Specialist IV position within the Department of Health to monitor water quality on the island of Hawaii.

Your Committee received testimony in support of this measure from the Department of Health, Mayor of the County of Hawaii, County of Hawaiii Department of Environmental Management, Coral Reef Alliance, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, and eleven individuals.

Your Committee finds that the Clean Water Branch of the Department of Health has inadequate staff capacity to meet its obligations to perform the timely monitoring that ensures the island of Hawaii's stream and coastal water safety for public swimming, fishing, and other recreation. Your Committee further finds that monitoring and control of contamination from waste water treatment plants, injection wells, and cesspools are especially critical due to their role in harming coral reefs. This measure will provide additional funding for the Department of Health to hire an environmental health specialist to timely meet the Department's monitoring responsibilities on the island of Hawaii.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 897 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 583 Agriculture and Environment on S.B. No. 696

The purpose and intent of this measure is to:

- (1) Extend various reporting deadlines and the sunset date of the Cesspool Conversion Working Group; and
- (2) Appropriate additional funds for the conduct of the comprehensive statewide study of sewage contamination in nearshore marine areas and for research and technical assistance necessary for completion of the comprehensive cesspool conversion plan.

Your Committee received testimony in support of this measure from the Department of Health, County of Hawai'i Department of Environmental Management, University of Hawai'i Water Resources Research Center, One World One Water, Coral Reef Alliance, Maui Chamber of Commerce, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the Cesspool Conversion Working Group was established in 2018 to develop a long-range, comprehensive plan for conversion of cesspools statewide by 2050. Your Committee further finds that a statewide study of sewage contamination in nearshore marine areas was commissioned the same year. Your Committee additionally finds that although the working group convened in 2018 and has been diligently working to meet its objectives, the group needs additional time and resources to complete its work. This measure will extend the reporting deadlines and sunset date of the Cesspool Conversion Working Group and appropriate funds to conduct the comprehensive statewide study of sewage contamination in nearshore marine areas.

Your Committee has amended this measure by changing the effective date of sections that do not appropriate funds to September 30, 2019, to allow those sections to take effect as intended.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 696, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 696, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 584 (Joint) Agriculture and Environment and Hawaiian Affairs on S.B. No. 1370

The purpose and intent of this measure is to:

- (1) Establish a cesspool compliance grant program and special fund to assist beneficiaries on Hawaiian home lands with cesspool upgrade, conversion, or connection costs;
- Restrict taxpayers from receiving double benefits from the cesspool compliance grant program and claiming the cesspool
  upgrade, conversion, or connection income tax credit; and
- (3) Appropriate funds for the grant program.

Your Committees received testimony in support of this measure from the Department of Health, Department of Hawaiian Home Lands, Office of the Mayor of the County of Hawaii, one member of the Hawaii County Council, County of Hawaii Department of Environmental Management, One World One Water, Hawaiian Community Assets, and one individual. Your Committees received comments on this measure from the Department of Budget and Finance, Department of Taxation, and Tax Foundation of Hawaii.

Your Committees find that section 342D-72, Hawaii Revised Statutes, requires the upgrade, conversion, or connection of all cesspools by 2050. There are currently approximately eighty-eight thousand cesspools in the State, discharging roughly fifty-three million gallons of untreated sewage into the groundwater every day. Your Committees note that about ninety-five percent of the State's drinking water is sourced from underground, making cesspools a significant threat to public health. Your Committees believe that establishing a grant program to assist beneficiaries on Hawaiian homelands to comply with section 342D-72, Hawaii Revised Statutes, to ensure public and environmental health.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$500,000;
- (2) Appropriating funds for fiscal year 2020-2021, rather than 2019-2020, to allow the Department of Hawaiian Home Lands time to adopt administrative rules for the program; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1370, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1370, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella). Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 585 (Joint) Commerce, Consumer Protection, and Health and Transportation on S.B. No. 662

The purpose and intent of this measure is to:

(1) Prohibit motor vehicle lessors from renting, leasing, or offering for rent or lease, vehicles subject to a manufacturer's recall, until appropriate repairs are made;

- (2) Define peer-to-peer vehicle sharing related terms; and
- (3) Require persons in the peer-to-peer vehicle sharing organization business to register with the Director of Taxation.

Your Committees received testimony in support of this measure from the Department of Taxation, Department of Commerce and Consumer Affairs, Department of Transportation, Enterprise Holdings, and one individual. Your Committees received testimony in opposition to this measure from Turo Inc. Your Committees received comments on this measure from the Tax Foundation of Hawaii.

Your Committees find that Hawaii's vibrant tourism industry brings many visitors to the islands who rent cars as part of their experience. This measure provides protections for vacationing renters and residents by removing potentially unsafe vehicles from the road, such as those subject to a manufacturer's recall, until the appropriate repairs have been made.

Your Committees further find that the rental car industry has created new and innovative ways to rent a car, including peer-to-peer vehicle sharing programs. Under existing law, there is little regulation of peer-to-peer vehicle sharing programs or organizations. This measure levels the playing field for companies and organizations participating in the rental car industry by subjecting peer-to-peer motor vehicle sharing organizations to the same regulations applied to rental car companies. This measure also ensures that peer-to-peer motor vehicle sharing organizations, and not the individual vehicle owners, bear the responsibility of collecting and remitting taxes from consumers, which will promote efficient tax collection by the Department of Taxation.

Your Committees note that, according to the Department of Commerce and Consumer Affairs, the business model of peer-to-peer motor vehicle sharing organizations differs from that of conventional rental car companies. As such, it may not be suitable to place these organizations within the existing motor vehicle industry chapter.

Your Committees have amended this measure by:

- (1) Establishing a new chapter relating to peer-to-peer motor vehicle sharing organizations, rather than placing these organizations within the existing chapter relating to the rental motor vehicle industry;
- (2) Clarifying that when a vehicle is rented through a peer-to-peer motor vehicle sharing agreement, only the peer-to-peer motor vehicle sharing organization, and not the registered owner of a vehicle involved in peer-to-peer motor vehicle sharing agreements, would be subject to the rental motor vehicle, tour vehicle, and car-sharing vehicle surcharge tax;
- (3) Changing its effective date to January 1, 2020, to provide the Department of Taxation sufficient time to make necessary changes to its forms and computer system; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 662, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 662, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 586 Technology on S.B. No. 337

The purpose and intent of this measure is to increase the available methods of public participation in the legislative process by:

- Establishing a remote legislative access program to enable Hawaii residents to participate remotely in legislative proceedings;
   and
- (2) Appropriating funds to establish the program.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services; Office of the Mayor of the County of Hawai'i; Democratic Party of Hawai'i; LGBT Caucus of the Democratic Party of Hawai'i; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Na Kupuna Moku O Keawe; Full Life; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Alliance for Progressive Action; HCC Legislative Committee; Disability and Communication Access Board; and eighteen individuals.

Your Committee finds that the public plays an important role in the legislative process through participating as in-person testifiers. Currently, the opportunity to provide in-person testimony for many individuals is out of reach either because of financial constraints, physical limitations, or geographic barriers. Therefore, your Committee finds that investment in a remote legislative access program is necessary to allow participation of all Hawaii residents in the legislative process.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 337 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

### SCRep. 587 (Joint) Technology and Government Operations on S.B. No. 952

The purpose and intent of this measure is to require the Office of the Governor to provide information concerning approved applications for pardons to the Hawaii Criminal Justice Data Center for public access through public internet.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that individuals who have been convicted of a crime in the State of Hawaii may apply for a gubernatorial pardon. It is important to note that a pardon is not a right, but an exceptional privilege, which only the Governor has the power to grant to people who have demonstrated exemplary behavior following their conviction. Your Committees further find that information regarding pardons should be available to the public.

Your Committees have amended this measure by:

- Deleting language that would have required the Hawaii Criminal Justice Data Center to make public, via internet access, all
  records pertaining to applications for pardons provided by the Governor;
- (2) Deleting language that would have required the Office of the Governor to provide information concerning all approved pardons to the Hawaii Criminal Justice Data Center for public dissemination;
- (3) Requiring the Governor to provide public notice when the Governor decides to not refer an application for pardon to the Director of Public Safety and the Hawaii Paroling Authority, and in such situations require the Governor to wait fourteen days before granting or refusing the pardon application;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 952, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 952, S.D. 1, and be referred to your Committee on Public Safety, Intergovernmental, and Military Affairs.

Signed by the Chairs on behalf of the Committees.
Technology: Ayes, 3. Noes, none. Excused, 2 (English, Wakai).
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

### SCRep. 588 (Joint) Technology and Water and Land on S.B. No. 966

The purpose and intent of this measure is to require the appropriate funds for the Board of Land and Natural Resources to enter into negotiations to acquire the property identified as Tax Map Key: (1) 9-5-046:042, a parcel within Mililani Technology Park.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committees find that Mililani Technology Park, dedicated in 1987, is a landscaped, campus-like facility with mixed-use zoning that allows for a variety of office and light industrial uses, including high-tech companies and other services. This measure provides funds for redevelopment due diligence costs, which include the expense of a Phase I environmental site assessment and Phase II environmental site assessment, if needed, including any necessary subsequent environmental site remediation, abatement, and disposal, and all other necessary transaction activities and fees, such as appraisal cost, title reports, and title insurance.

As affirmed by the records of votes of the members of your Committees on Technology and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 966 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Technology: Ayes, 4. Noes, none. Excused, 1 (English).
Water and Land: Ayes, 4; Ayes with Reservations (Riviere). Noes, none. Excused, 1 (Fevella).

# SCRep. 589 (Joint) Government Operations and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1062

The purpose and intent of this measure is to require state and county agency contractors that dispose of waste provide a receipt that the waste or inert fill was received and disposed of at a Department of Health permitted or approved facility before payment is rendered for those contractual services.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and two individuals. Your Committees received comments on this measure from the Department of Accounting and General Services; Department of Health; Department of Transportation; and Office of the Governor, State Procurement Office.

Your Committees find that construction projects funded by public monies produce extensive construction waste. Notwithstanding state law prohibiting the disposal of more than one cubic yard of solid waste anywhere other than a permitted solid waste management system, your Committees note that construction waste is sometimes disposed of in an unauthorized manner. The improper disposal of construction waste adversely affects the State's natural resources and overall quality of life. This measure regulates and mandates proper disposal and management of waste by Department of Health permitted and approved facilities, thereby preserving Hawaii's oceans, streams, and land for many generations to come.

Your Committees have amended this measure by:

- (1) Clarifying that, beginning July 1, 2020, contractors must provide a receipt that waste was received and disposed of properly, prior to receiving payment, rather than prior to receiving full payment, for services rendered;
- (2) Specifying a statement for services shall be accompanied by:

- (A) A receipt from a Department of Health permitted waste management facility, Department of Health approved wastewater treatment facility, or other facility approved by the Department of Health; or
- (B) In the case of disposal of inert fill, a farm lot with an approved conservation plan or permit to stockpile material onsite, with a verification that the waste or inert fill was properly received and managed by a Department of Health permitted or approved waste facility;
- (3) Specifying partial payment may be made in certain circumstances absent a receipt; provided that the payment does not include any compensation for the waste removal, disposal, or both; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1062, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1062, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella). Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 590 Commerce, Consumer Protection, and Health on S.B. No. 1405

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Include e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law;
- (3) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products and the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (4) Allocate a portion of funds collected from excise taxes on tobacco products to health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and
- (5) Repeal certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Taxation; Department of Health; University of Hawai'i Cancer Center; Hawai'i Primary Care Association; Hawai'i Pacific Health; Ho'omanapono Political Action Committee; We Are One, Inc.; Student Health Advisory Council; Blue Zones Project Hawaii; Coalition for a Tobacco-Free Hawai'i; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; American Cancer Society Cancer Action Network; and ninety-five individuals. Your Committee received testimony in opposition to this measure from Black Lava Vape; Retail Merchants of Hawaii; Hawaii Smokers Alliance; VOLCANO Fine Electronic Cigarettes; Irie Hawaii Stores; Hi Lyfe Vaporz, LLC; VapeWithAloha; and twenty-nine individuals. Your Committee received comments on this measure from the Tax Foundation of Hawaii

Your Committee finds that tobacco use is the single most preventable cause of disease, disability, and death in the United States. Your Committee further finds that tobacco products are addictive and inherently dangerous, causing many different types of cancer, heart disease, and other serious illnesses. Your Committee additionally finds that electronic smoking devices are battery-operated products designed to deliver nicotine, flavor, and other chemicals in a compound known as an "e-liquid" into an aerosol that is inhaled by the user. Your Committee also finds that e-liquids are available in a range of strengths and a wide variety of flavors. Your Committee further finds that the use of electronic smoking devices and e-liquid is especially popular among younger smokers, and that the United States Surgeon General has made the unprecedented move of classifying the danger of youth usage of electronic cigarettes as an epidemic. This measure updates regulations on the shipment of electronic smoking devices and e-liquid, ensures that electronic smoking devices and e-liquid products are taxed at a rate similar to other tobacco products, and provides that a portion of the revenues raised from tobacco taxes will be used to mitigate the harmful effects of tobacco use on the public.

Your Committee has amended this measure by:

- (1) Clarifying that, for the purposes of the offense of unlawful shipment of e-liquid products, "value" means the fair market value at the time of the offense;
- (2) Requiring applicants for a retail tobacco permit to specify whether each place of business sells e-liquid;
- (3) Dividing the allocation of funds collected from excise taxes on tobacco products between the Hawaii tobacco prevention and control trust fund and the University of Hawaii Cancer Center, to support tobacco and cancer prevention research;
- (4) Changing the effective date to January 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1405, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1405, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

### SCRep. 591 Commerce, Consumer Protection, and Health on S.B. No. 567

The purpose and intent of this measure is to require:

- (1) Psychiatric facilities to determine whether an assisted community inpatient treatment plan is appropriate for an individual prior to that person's release from emergency examination, emergency hospitalization, or voluntary inpatient treatment;
- The Department of Health to convene a mental health emergency task force to examine barriers to assisted community treatment plans and options for creating a state-funded treatment team; and
- (3) The Department of the Attorney General to be responsible for filing assisted community treatment petitions.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; The Institute of Human Services, Inc.; Partners in Care; Hawaii Island HIV/AIDS Foundation; Hawaiʻi Psychological Association; Mental Health America of Hawaiʻi; Catholic Charites Hawaiʻi; Hawaii Kai Homeless Task Force; and one individual. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, The Queen's Health Systems, and Hawaii Disability Rights Center.

Your Committee finds that following emergency care or hospitalization, many mentally ill patients are released with no plan in place for follow-up care or treatment. Predictably, many of these individuals fall into a pattern of crisis and emergency intervention. Assisted community treatment is an available but under-utilized option for people with serious mental illness to receive on-going treatment in the least restrictive setting and reduces the trend toward repeat emergency interventions as the primary course of treatment for the seriously mentally ill.

Your Committee further finds that judicial oversight of assisted community treatment initiation is important to preserve civil rights of mentally ill persons. However, private sector providers, community organizers, and families do not have the resources to navigate the complex and congested court system. Involving the Department of the Attorney General with the filing of assisted community treatment orders may reduce some of the barriers faced by individuals who wish to pursue this avenue of mental health care.

Your Committee recognizes that utilization rates of assisted community treatment have been low, despite a critical need for increased access to mental health treatment. This measure authorizes the Department of Health to convene a mental health emergencies task force to examine why medical facilities are not diverting more people with mental health emergencies into assisted community treatment and explore other options to expand access to emergency mental health treatment.

Your Committee has amended this measure by:

- Requiring psychiatric facilities to determine whether an assisted community treatment order is appropriate at the time an
  individual is committed to a psychiatric facility for involuntary hospitalization, rather than prior to release from emergency
  examination, emergency hospitalization, or voluntary inpatient treatment;
- (2) Clarifying that the Department of the Attorney General shall assist with, rather than be responsible for, petitions for assisted community treatment and related court proceedings; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 567, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 567, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 592 (Joint) Education and Water and Land on S.B. No. 976

The purpose and intent of this measure is to:

- (1) Establish a pilot program for the lease of public library lands to generate revenue to meet the mission of the public libraries;
- (2) Establish the library facilities fund; and
- (3) Require the Board of Education to a submit a report to the Legislature prior to the Regular Session of 2021 and each regular session thereafter until the completion of the pilot project on various timelines, summaries, and proposed legislation.

Your Committees received testimony in support of this measure from the Hawaii State Public Library System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received comments on this measure from the Department of Budget and Finance, Department of the Attorney General, and Department of Land and Natural Resources.

Your Committees find that public libraries provide an invaluable service to the community. However, there is a need to examine new and innovative methods of generating funds to support the mission of the public libraries. Consequently, your Committees find that generating funds through the lease of public library lands may provide a viable source of funding for the public libraries. This measure establishes a pilot program to generate revenue through the lease of public library lands to meet the mission of the public libraries to be facilitated by the State Librarian, Board of Education, and any other appropriate agencies.

Additionally, your Committees note that, for the purposes of this measure, public land trusts may need to be set aside and lands currently held by the State on which libraries reside should be transferred to the Department of Education to hold title via executive order.

Your Committees have amended this measure by:

- Deleting language that would have subjected the Board of Education to chapter 92, Hawaii Revised Statutes, and other public
  meeting and community participation requirements during the identification and selection process of public library land sites
  for participation in the pilot program;
- (2) Inserting language that specifies that library sites with outstanding general obligation bond debt shall be excluded from consideration as candidates for participation in the pilot program;
- (3) Extending the lease term of public library land sites from not more than fifty-five years per lease to not more than ninety-nine years per lease; and
- (4) Authorizing, rather than requiring, lessees of public library land sites to modify, construct, or utilize facilities to meet the mission of the public libraries.

As affirmed by the records of votes of the members of your Committees on Education and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 976, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 976, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 593 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health on S.B. No. 182

The purpose and intent of this measure is to:

- (1) Specify that nothing in chapter 328J, Hawaii Revised Statutes, the state smoking law, shall be construed to supersede or affect a county's ability to adopt and enforce ordinances that regulate the sale or use of cigarettes, tobacco products, and electronic smoking devices; provided that the ordinances are no less protective of public health than the state smoking law; and
- (2) Repeal a provision in the state smoking law that preempts local smoking ordinances and regulations.

Your Committees received testimony in support of this measure from the Department of Health, County Council of the County of Maui, American Heart Association, American Lung Association, Hawai'i Primary Care Association, Lanai Community Health Center, Blue Zones Project, American Cancer Society Cancer Action Network, Hawaii Public Health Institute, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and six individuals. Your Committees received testimony in opposition to this measure from Black Lava Vape; VOLCANO Fine Electric Cigarettes; Hawaii Smokers Alliance; Hi Lyfe Vaporz, LLC; and twenty-four individuals.

Your Committees find that tobacco use causes over one thousand deaths in Hawaii every year, in addition to substantial costs in direct health care expenditures and lost productivity. Your Committees further find that although the State has enacted numerous tobacco control policies, different communities within the State have individual situations that require different, specific regulatory solutions. This measure will allow the State to set minimum standards of tobacco control while giving the counties the freedom and flexibility to establish further regulatory measures that are individually tailored to their specific needs.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 182 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

# SCRep. 594 (Joint) Public Safety, Intergovernmental, and Military Affairs and Higher Education on S.B. No. 1537

The purpose and intent of this measure is to appropriate funds to the Department of Public Safety to contract with the Social Science Research Institute of the University of Hawaii at Manoa for evidence-based research and to collect data on behalf of the Department.

Your Committees received testimony in support of this measure from the University of Hawai'i System and one individual. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Public Safety, Community Alliance on Prisons, and one individual.

Your Committees find that evidence-based research and data collection are vital to verifying and formulating best practices for state correctional institutions. Previously, and for many years, the Department of Public Safety utilized researchers from the Social Science Research Institute at the University of Hawaii at Manoa to collect and analyze data for the Department. Your Committees further find that this working relationship was recently terminated and believes it should be reinstated. This measure will revive the working relationship between the Department of Public Safety and Social Science Research Institute at the University of Hawaii for evidenced-based research and data collection.

Your Committees have amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1537, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1537, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and Vice President on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 595 (Joint) Public Safety, Intergovernmental, and Military Affairs and Water and Land on S.B. No. 248

The purpose and intent of this measure is to:

- Require government entities that engage in search and rescue operations to seek reimbursement when the rescued person required search and rescue efforts because that person acted in disregard of that person's safety, including intentionally disregarding a warning or notice;
- (2) Increase the penalties for violating laws, rules, or permits relating to state parks or recreation areas and the statewide trail and access system if the laws, rules, or permits restricted public access to a trail; and
- (3) Make unlawfully entering or remaining on a trail that has been closed to the public conduct that constitutes the offense of criminal trespass onto state lands.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Honolulu Police Department, and five individuals.

Your Committees find that unlawfully entering trails that have been closed to the public puts those entering the trails at significant danger of injury, risks damage to native habitats and other natural resources, and potentially requires difficult and expensive rescue operations to retrieve persons who are injured or become lost. Your Committees further find that the costs associated with the search and rescue of individuals who willfully disregard their own safety by ignoring posted warning signs are considerable. This measure will discourage individuals from illegally entering trails by increasing the penalties and enforcement options for illegal trail access and requiring government entities that engage in search and rescue of such individuals to seek reimbursement.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 248 and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 596 (Joint) Public Safety, Intergovernmental, and Military Affairs and Water and Land on S.B. No. 875

The purpose and intent of this measure is to appropriate funds for salaries, benefits, equipment, and other related expenses for state-funded lifeguards at Kua Bay, Kekaha Kai State Park, which is under the jurisdiction of the Department of Land and Natural Resources on the island of Hawai'i.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Aha Moku Advisory Committee; Hawai'i Tourism Authority; two members of the Hawai'i County Council; County of Hawaii, Office of the Mayor; Hawai'i State Association of Counties; Kohala Coast Resort Association; Hawaii State Drowning and Aquatics Injury Prevention Advisory Committee; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and three individuals.

Your Committees find that Kua Bay, located within Kekaha Kai State Park, has experienced increased popularity and growing numbers of visitors. The increase in visitors has been accompanied by an alarming increase in water safety incidents, with ten spinal cord injuries over the 2009 to 2017 period and a few fatal drownings in the past ten years. Your Committees find that in the interest of public health and safety, it is necessary to appropriate funds for lifeguards and life-saving equipment at Kua Bay.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 875 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 597 (Joint) Public Safety, Intergovernmental, and Military Affairs and Water and Land on S.B. No. 464

The purpose and intent of this measure is to authorize a property owner or agent to enter adjacent property under certain conditions to eradicate albizia trees before they become hazardous, and to provide a defense to criminal prosecution for trespassing.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, County of Hawai'i Mayor's Office, one member of the County of Hawai'i County Council, Hawaiian Electric Companies, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc. Your Committees received comments on this measure from the Big Island Invasive Species Committee.

Your Committees find that albizia trees are an invasive species that are prone to breaking and falling during high winds and tropical storms. Fallen albizia trees caused power outages and other structural damage on the island of Hawaii during tropical storm Iselle in 2014. Albizia trees fell over highways, roads, and driveways in such large numbers during that storm that many people were left trapped in their homes and rescue personnel were prevented from reaching them or, in some cases, returning to their base of operations.

Your Committees further find that albizia trees located on private properties often create hazardous conditions for adjacent properties and that the development of these hazardous conditions should be prevented wherever possible. Albizia trees have been

successfully eradicated on many properties, but some property owners have been unresponsive to inquiries from owners of adjacent properties.

Your Committees therefore find that property owners should have the authority to enter adjacent properties to eradicate albizia trees to prevent or address hazardous conditions, subject to certain conditions.

Your Committees have amended this measure by:

- (1) Requiring the entering party to consult with a tree risk assessment qualification certified arborist, rather than relying on the party's reasonable belief, to confirm the hazardous threat of the trees and potential removal or treatment of the trees according to safe methods, including methods that minimize risk to human health and safety; and
- Requiring written notice to the adjacent property owner with albizia trees prior to entry to ensure that the land is not mistakenly determined to be vacant when it is resting pasture land.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 464, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 464, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 598 (Joint) Public Safety, Intergovernmental, and Military Affairs and Water and Land on S.B. No. 649

The purpose and intent of this measure is to establish and appropriate funds for a financial assistance pilot program to provide county-owned public water systems with resources to implement conservation measures.

Your Committees received testimony in support of this measure from the Department of Health, County of Hawai'i Department of Water Supply, County of Kaua'i Department of Water, City and County of Honolulu Board of Water Supply, one member of the Maui County Council, One World One Water, Hawai'i Community Foundation, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and County of Maui Department of Water Supply.

Your Committees find that as an island state, Hawaii has limited access to natural fresh water. County-owned public water systems supply approximately two hundred million gallons per day or eighty percent of drinking water in Hawaii.

Your Committees further find that the competition for fresh water, increasing population and development pressures, rising awareness of environmental and cultural water needs, and impacts of climate change require that Hawaii become as efficient as possible in its uses of limited fresh water supplies. Your Committees therefore find that financial assistance to county-owned public water systems and their customers to help implement water conservation measures and practices will reduce water use or waste.

Your Committees have amended this measure by:

- (1) Designating each of the four county water supply departments as the respective administrative authority of the water conservation financial assistance pilot program, in lieu of the Commission on Water Resource Management;
- (2) Removing the requirements that the county water supply departments solicit proposals from county-owned public water systems, prioritize proposals with non-state matching funds, and provide financial assistance to county-owned public water systems on a reimbursement basis;
- (3) Removing the reimbursement cap of fifty percent of the total cost of each county water conservation incentive program;
- (4) Adding that each of the four county water supply departments shall provide matching funds on a one-to-one cost share basis to match or leverage with non-state funds appropriated for the purposes of this water conservation financial assistance pilot program;
- (5) Allocating the appropriated funds equally to each of the four county water supply departments and designates the respective department as the expending agency, in lieu of the Commission of Water Resource Management; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 649, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 649, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 599 (Joint) Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment and Water and Land on S.B. No. 1054

The purpose and intent of this measure is to require:

- (1) The State and counties to incorporate predictions of sea level rise and other climate change hazards and mitigation opportunities into applicable plans, strategies, and mapping, in order to increase the State's resiliency and ability to properly respond to natural disasters; and
- (2) The Public Utilities Commission to consider in its actions the findings in the Hawaii Sea Level Rise Vulnerability and Adaptation Report (Report) by the Hawaii Climate Change Mitigation and Adaptation Commission and seek to avoid critical electrical infrastructure projects in areas of higher risk, in order to reduce risks to taxpayers and the general public.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council, one member of the Maui County Council, Sierra Club of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and six individuals. Your Committees received comments on this measure from the Hawaii Emergency Management Agency, Department of Land and Natural Resources, Public Utilities Commission, and Office of Planning.

Your Committees find that disaster recovery efforts need to be carried out quickly and efficiently to ensure that damaged infrastructure and interrupted services are restored as soon as possible. Pre-disaster planning and post-disaster responses that seek to make the State less vulnerable regarding future disasters, can expedite responses that anticipate future needs.

Your Committees further find that disasters that could interrupt vital services and damage critical infrastructure should be considered and incorporated into plans prior to an actual disaster. Your Committees believe that incorporating sea level rise and disaster predictions into emergency planning will benefit the State.

Your Committees have amended this measure by:

- (1) Requiring all floodplain mapping supported by state or county funding to include information from the Report that anticipates sea level rise and floodplains in terms of special flood hazard areas, as defined by the Federal Emergency Management Agency, rather than the United States Geological Survey's one-hundred-year floodplain designations; and
- (2) Clarifying that the Public Utilities Commission shall consider the findings of the Report but not necessarily in all of its actions.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs, Agriculture and Environment, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1054, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1054, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

# SCRep. 600 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 153

The purpose and intent of this measure is to increase the fireworks display permit fee from \$110 to \$300 beginning on January 1, 2020

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; State Fire Council; Honolulu Fire Department; Maui Fire Department; and Kaua'i Fire Department.

Your Committee finds that the fireworks display permit fee, which authorizes licensed pyrotechnicians to conduct outdoor and close proximity fireworks for special public or private events and theatrical or movie purposes, has remained the same since it was established sixteen years ago. However, during that time, the cost to process, review, and approve display permits has increased. Therefore, your Committee finds that the fireworks display permit fee needs to be increased to keep pace with the rise in governmental administrative costs.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 153 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 601 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on S.B. No. 557

The purpose and intent of this measure is to prohibit state and county law enforcement agencies from complying with federal immigration detainers or honoring requests for non-public information unless specifically required to do so by a warrant signed by a judge or by provisions of federal, state, or local law.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, Hawaii J-20+, Midwives Alliance of Hawaii, Church of the Crossroads, Filipina Advocacy Network, and forty individuals. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Honolulu County Republican Party, and four individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that the Supreme Court of the United States has recognized that unlawful presence in the United States is not, by itself, a criminal offense. Your Committees further find that a person's undocumented status can result from a variety of possible causes and that, given the geography of the islands, the undocumented status of most undocumented immigrants in Hawaii results from overstaying the length of their visa, which is not a crime, in comparison to crossing a United States border without being processed which is a crime. Your Committees also find that policies prioritizing deportation actions may cause undocumented immigrants to be

fearful that contact with the police and other law enforcement personnel will lead to immigration-based actions, and may make them more reluctant to report crimes or come forth as witnesses as a result.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 557 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 602 (Joint) Government Operations and Water and Land on S.B. No. 917

The purpose and intent of this measure is to require the Land Court to:

- (1) Accept valid government issued identification as evidence to prove full name; and
- (2) Give full faith and credit to public acts, judgments, and orders of other states that recognize name changes by usage or other method.

Your Committees received testimony in support of this measure from the Judiciary and two individuals.

Your Committees find that the Land Court of the State of Hawaii has exclusive original jurisdiction over all applications for the registration of title to land easements or rights in land held and possessed in fee simple within the State, with power to hear and determine all questions arising upon the applications. In order to transfer property subject to Land Court jurisdiction, existing law requires that every deed or other voluntary instrument presented for recording contains the full name of the grantee and a statement that the grantee is married or unmarried, and if married, the statement must include the full name of the spouse. Issues have arisen within the Land Court in determining a married individual's name when the individual's marriage certificate is from out-of-state, and unlike Hawaii marriage licenses, does not list the intended married names of both spouses. This measure clarifies what shall be accepted as valid identification by the Land Court.

Your Committees have amended this measure by:

- (1) Specifying that a valid government-issued photographic identification issued by the United States, this State, or another state shall be adequate proof of identify for the purposes of the land court of the State of Hawaii; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 917, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 917, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Riviere).

# SCRep. 603 (Joint) Water and Land and Energy, Economic Development, and Tourism and Agriculture and Environment on S.B. No. 435

The purpose and intent of this measure is to require the Hawaii Climate Change Mitigation and Adaptation Commission to assess the effects of tourism on climate change and publish a report of its findings.

Your Committees received testimony in support of this measure from the Hawaii Farmers Union, League of Women Voters of Hawaii, and two individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that climate change is a major threat to Hawaii. Your Committees further find that about one-third of greenhouse gas emissions in Hawaii come from aviation and marine transportation, much of which is driven by visitors. The relationship between the tourism industry and climate change is poorly understood; therefore, your Committees find it prudent to call upon the Hawaii Climate Change Mitigation and Adaptation Commission to assess the role the tourism industry plays regarding climate change.

Your Committees have amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land, Energy, Economic Development, and Tourism, and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 435, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 435, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Inouye, Fevella). Noes, none. Excused, none

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Rhoads, Ruderman).

### SCRep. 604 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1276

The purpose and intent of this measure is to allow the Director of Transportation to update the motor carrier vehicle safety inspection program by authorizing changes made to the program be done through administrative rules.

Your Committees received testimony in support of this measure from the Department of Transportation. Your Committees received comments on this measure from the City and County of Honolulu Department of Customer Services.

Your Committees find that there is a need to update and improve the methods and procedures of the motor carrier vehicle safety inspection program. Your Committees believe that rather than having to enact legislation every year to address any issues with the motor carrier vehicle inspection program, it is more efficient to authorize the Director of Transportation to adopt rules to administer and enforce the program. This will provide for a more efficient means of making any necessary changes, while still allowing input from the public regarding any changes to the program.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1276, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1276, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 605 Labor, Culture and the Arts on S.B. No. 789

The purpose and intent of this measure is to increase the minimum wage to \$12.00 per hour beginning January 1, 2022.

Your Committee received testimony in support of this measure from the Office of the Governor; Department of Labor and Industrial Relations; City Council of the City and County of Honolulu; Americans for Democratic Action Hawaii; Midwives Alliance of Hawaii; Democratic Party of Hawaii; Education Caucus; Democratic Party of Hawaii LGBT Caucus; IMUAlliance; American Association of University Women of Hawaii; Hawaii Government Employees Association; Democratic Party of Hawaii; Hawaii Alliance of Progressive Action; Hawaii Appleseed Center for Law & Economic Justice; Democratic Party of Hawaii Labor Caucus; We Are One, Inc.; Living Wage Hawaii; ILWU Local 142; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii'i; Democratic Party of Hawaii Hawaiian Affairs Caucus; Hawaii'i State Commission on the Status of Women; Hawaii Children's Action Network; Trilogy Corporation; over thirty individuals; and two petitions signed by over two hundred individuals. Your Committee received testimony in opposition to this measure from the Chamber of Commerce Hawaii, Hawaii Business League, Malolo Charters, Calypso Charters, Boss Frog's Dive & Surf, Maui Dive Shop, Honolulu County Republican Party, National Federation of Independent Business, Tiki's Grill & Bar, Retail Merchants of Hawaii, Maui Chamber of Commerce, IL Gelato Hawaii, and six individuals. Your Committee received comments on this measure from the Hawaii Restaurant Association, Hawaii Food Industry Association, The Hawaii Business League, Grassroot Institute of Hawaii, and seven individuals.

Your Committee finds that a vast majority of rigorous, credible studies conclude that higher minimum wages appreciably boost workers' earnings with little or no effect on employment. In fact, raising the minimum wage increases earnings growth of low-income workers, and increasingly does so over the long-term, all without declines in employment. A recent 2018 study by the U.S. Census Bureau found that raising the minimum wage benefits a large majority of low-income workers by putting them on the path to higher earnings in the long term and decreasing income inequality.

Your Committee further finds that currently, there is a significant difference between the minimum wage and what is needed to afford basic needs in Hawaii. Indeed, Hawaii has the lowest average wage in the nation when adjusted for the cost of living. This measure will therefore increase the minimum wage which will raise the quality of life for Hawaii residents, reduce poverty, and increase economic activity.

Your Committee has amended this measure by:

- (1) Making the increase in the minimum wage to \$12.00 per hour effective January 1, 2020, rather than January 1, 2022;
- (2) Adding language to increase the minimum wage to \$15.00 per hour beginning January 1, 2023;
- (3) Providing a tax credit for qualified small businesses that is based on the increased total hourly wages paid each taxable year, in the amount of twenty percent of the increase of total hourly wages paid to all employees;
- (4) Providing that the tax credit shall not exceed \$50,000 each taxable year;
- (5) Providing that the tax credit is non-refundable and subject to carry over;
- (6) Providing that the tax credit shall end five years after December 31, 2019;
- (7) Providing that in order to qualify for the tax credit, the business must have fifty employees or less and make \$4,000,000 or less in gross income for the taxable year;
- (8) Changing the effective date to January 1, 2020; provided that the tax credit shall apply to taxable years beginning after December 31, 2019; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 789, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 789, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ihara, Fevella). Noes, none. Excused, none.

### SCRep. 606 Labor, Culture and the Arts on S.B. No. 1041

The purpose and intent of this measure is to:

- (1) Prohibit written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's condition of employment; and
- (2) Prohibit employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Screen Actors Guild – American Federation of Television and Radio Artists, Midwives Alliance of Hawaii, League of Women Voters, AAUW of Hawaii, and two individuals. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission and Department of Human Services.

Your Committee finds that nondisclosure agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders who engage in a pattern of sexual harassment. Your Committee also finds that many victims of sexual assault and harassment do not report it because of fear of being retaliated against. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

Your Committee notes that this measure expressly allows the use of nondisclosure agreements that are part of settlements between an employer and an employee alleging sexual harassment. In addition, this measure does not apply to human resources employees and other types of employees when the maintenance of confidentiality is necessary as part of an ongoing investigation.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1041, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1041, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 607 Labor, Culture and the Arts on S.B. No. 1048

The purpose and intent of this measure is to:

- Make unenforceable confidentiality clauses in employment contracts when an act of sexual harassment is claimed by an employee;
- (2) Ban mandatory arbitration agreements as to sexual harassment claims beginning July 1, 2019; and
- (3) Make mandatory confidentiality clauses in an arbitration agreement unenforceable as to sexual harassment claims.

Your Committee received testimony in support of this measure from Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Midwives Alliance of Hawaii, AAUW of Hawaii, and three individuals. Your Committee received comments on this measure from the Hawai'i Civil Rights Commission.

Your Committee finds that confidentiality clauses in employment contracts that apply to sexual harassment claims and mandatory arbitration agreements requiring arbitration of sexual harassment claims allow sexual harassment to be kept a secret and off the record. The use of confidentiality agreements and mandating private arbitrations also allows serial harassers to escape scrutiny and liability, and enables them to continue to harass others. This measure will ban confidentiality agreements that apply to sexual harassment claims and mandatory arbitration of sexual harassment claims, which will allow victims to take their case through the court system and to speak publicly about sexual harassment if they so choose.

Your Committee notes that this measure allows for confidentiality agreements when entered into by the parties as part of a legal settlement to a specific claim of sexual harassment, and does not prohibit use of a voluntary confidentiality provision where specific claims of sexual harassment are alleged.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1048, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1048, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 608 Labor, Culture and the Arts on S.B. No. 1168

The purpose and intent of this measure is to:

- (1) Allow a state department employee's designation of beneficiary form to be kept in the department where the employee is employed; and
- (2) Eliminate the requirement that the designation be a verified written statement.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services.

Your Committee finds that existing law requires an employee of a state department's designation of beneficiary form to be a written statement that is notarized and filed with the comptroller. This requirement has resulted in thousands of designation of beneficiary forms being maintained in a central location at the Department of Accounting and General Services. Your Committee additionally finds that the recent modernization of the HawaiiPay payroll system has caused several departments and agencies to request an electronic means of storing and updating an employee's designation of beneficiary. This measure removes the requirement for a notarized statement, allows electronic filing and maintenance of designation of beneficiary records, and makes the designation process more accessible to employees of state departments.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1168, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1168, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 609 Labor, Culture and the Arts on S.B. No. 1375

The purpose and intent of this measure is to:

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity; and
- (3) Require employers to disclose wage ranges to employees and prospective employees.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaii State Commission on the Status of Women, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, Hawaii Appleseed Center for Law & Economic Justice, American Association of University Women of Hawaii, and seven individuals.

Your Committee finds that pay disparity still persists between men and women in Hawaii who do similar work. Hawaii ranks twenty-third in income equality out of all states and the District of Columbia, according to the most recent census bureau. Your Committee further finds that the most extreme disparity in pay exists among Native Hawaiian and other Pacific Islander women who earn only sixty-two percent of white male earnings nationally. This measure clarifies the classes protected from pay discrimination, and provides for wage transparency, which will get Hawaii closer to ending pay disparity in the workplace.

Your Committee has amended this measure by:

- $(1) \quad Adopting \ language \ suggested \ by \ the \ Hawai `i \ Civil \ Rights \ Commission \ that:$ 
  - (A) Clarifies that an employer shall provide the pay scale for a position to an applicant regardless of whether it was requested;
  - (B) Clarifies that an employer shall disclose an hourly rate or salary range in all job listings, but does not need to select a salary within the posted range or republish each job listing with an adjusted range;
  - (C) Specifies that if an employer commits certain acts in violation of section 378-2.4(g), Hawaii Revised Statutes, then the employer is also in violation of section 378-2.3, Hawaii Revised Statutes;
  - (D) Specifies that the definition of "compensation" in section 378-2.4, Hawaii Revised Statutes, also applies to section 378-2.3, Hawaii Revised Statutes, and includes housing; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1375, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1375, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 610 (Joint) Labor, Culture and the Arts and Energy, Economic Development, and Tourism on S.B. No. 1507

The purpose and intent of this measure is to appropriate funds to plan for and hold a 2020 Hawaii – Philippines sister city trade show and economic outlook symposium ("symposium").

Your Committees received testimony in support of this measure from the Filipino Chamber of Commerce of Hawaii; Filipina Advocacy Network; Commercial and Business Lending; East West Marketing, Inc.; and four individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that having the symposium would expand the economic partnership between the State and the Philippines sister states and cities. The State's communities, individuals, and businesses would have the opportunity to meet business owners and

city officials from the Philippines to gain a new perspective on Filipino culture and business and trade practices, as well as allow participants to develop relationships and business opportunities which may lead to increased trade and cultural diversity. This measure will appropriate funds for the symposium to increase trade with the Philippines and its sister cities and states and create an economic benefit for the State.

Your Committees note that the appropriation amount requested is \$50,000. Your Committees also note that a grant in aid application has been submitted for the symposium and that a grant in aid may be the preferable way of financing this event.

Your Committees have amended this measure by:

- (1) Removing the \$50,000 appropriation amount and inserting a blank appropriation amount;
- (2) Requiring matching private funds before any funds are made available; and
- (3) Inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1507, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1507, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

#### SCRep. 611 Water and Land on S.B. No. 751

The purpose and intent of this measure is to make an appropriation from the special land and development fund to the Department of Land and Natural Resources for the operational expenses and staffing costs of the Hawaii Association of Conservation Districts.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawai'i Farm Bureau; Land Use Research Foundation of Hawaii; Ulupono Initiative, Hawaii Association of Conservation Districts; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Oahu Resource Conservation & Development Council; Local Food Coalition; A'a Li'i Farm; Maui Farmers Union United; Maui Soil & Water Conservation Districts; Birds With Arms Farms; Auwahi Forest Restoration Project; Hawaii Coffee Association; Hawaii Crop Improvement Association; Larry Jefts Farms, LLC; Maui County Farm Bureau; Hawai'i Forest Industry Association; and seventy-five individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the Hawaii Association of Conservation Districts consist of sixteen soil and water conservation districts throughout the State who work together in a variety of ways to help protect and sustain Hawaii's natural environment. The Hawaii Association of Conservation Districts continues to work closely with a variety of federal and State agencies including the U.S. Environmental Protection Agency, United States Department of Agriculture's Natural Resources Conservation Service, University of Hawaii, and Hawaii State Department of Health. Your Committee further finds that due to funding shortages, the Hawaii Association of Conservation Districts has been limited in its ability to provide assistance to many farmers who can benefit from its services.

Your Committee has amended this measure by:

- (1) Replacing the appropriation out of the special land and development fund with a line item in the budget of the Department of Land and Natural Resources under LNR 141 for the operational expenses and staffing costs of the Hawaii Association of Conservation Districts;
- (2) Inserting a blank appropriation amount;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation amount is blank, your Committee requests that your Committee on Ways and Means consider an appropriation of \$500,000 for the operational expenses and staffing costs of the Hawaii Association of Conservation Districts.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 751, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 751, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 612 Water and Land on S.B. No. 835

The purpose and intent of this measure is to:

- (1) Add a community liaison to the membership of the State Board on Geographic Names; and
- (2) Require the Department of Land and Natural Resources to publish and send a listing of its decisions, along with other information, to state and other agencies, and provide the same publication, along with pertinent information, to the United States Board on Geographic Names.

Your Committee received comments on this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and Office of Planning.

Your Committee finds that the State Board on Geographic Names was created to assure uniformity in the use and spelling of the names of geographic features within the State. The Board is responsible for designating the official names and spellings of geographic features in Hawaii. In its deliberations, the Board solicits and considers the advice and recommendations of appropriate government officials and, as appropriate, other knowledgeable persons. The State Board on Geographic Names has been engaged in a multi-year project to review each of the over 10,000 names that appear on the quadrangle maps and/or in the U.S. Geographic Names Information System and to add the 'okina and kahakō, or diacritical marks, as appropriate.

Your Committee has amended this measure by:

- (1) Reinserting the provision allowing for alternate names; and
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 835, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 835, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 613 Water and Land on S.B. No. 1126

The purpose and intent of this measure is to, beginning on November 1, 2019, require all real property sales or transfers to include a sea level rise hazard exposure statement to ensure that new property owners and transferees understand the special hazards, requirements, and limitations that may affect the property.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i; Coastal Planners, LLC; and four individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that coastal property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise and human-caused interruptions to natural sand supply. Owners of coastal property are at risk of losing land when shorelines undergo landward retreat, which negatively impacts building setbacks, property values, and insurance availability. Furthermore, coastal property owners face stringent permit requirements imposed by the counties and State for shoreline protection. This measure enables coastal property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the coastal property by requiring a sea level rise hazard exposure statement with the sale or transfer of any real property at risk of climate-related exposure.

Your Committee has amended this measure by:

- (1) Requiring a sea level rise hazard exposure statement be included with every sale or transfer of vulnerable coastal property, rather than any real property;
- (2) Replacing the acknowledgments in and requirements of the sea level rise hazard exposure statement with substantively similar acknowledgments in and requirements of the vulnerable coastal property purchaser statements proposed in S.B. No. 1339, Regular Session of 2019;
- (3) Defining "vulnerable coastal property" as real property within a two-foot sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission;
- (4) Applying the material fact information disclosure requirement to residential real property within a sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission, rather than within a sea level rise hazard zone based on the National Oceanic and Atmospheric Administration sea level rise hazard exposure map or the Hawaii Sea Level Rise Viewer;
- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1126, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1126, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Nishihara).

# SCRep. 614 Water and Land on S.B. No. 1287

The purpose and intent of this measure is to include objectives and policies and implementation guidelines for planning for the lei of green in the Hawaii State Planning Act.

Your Committee received testimony in support of this measure from The Trust for Public Land, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiiʻi, Hawaii's Thousand Friends, Hawaii Audubon Society, Lei of Parks Coalition, Hawaii Bicycling League, Kakaʻako Makai Community Planning Advisory Council, Oʻahu Island Parks Conservancy, Trees for Honolulu's Future, and four individuals. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that the lei of green was first brought forth by the renowned national planner Lewis Mumford to benefit the Territory of Hawaii, as a plan to link Honolulu's green parks, open space, recreation areas, and greenways mauka to makai along the

shoreline, interconnected with tree-lined pedestrian paths for shade and climate control. While your Committee understands the importance of focusing the lei of green in the urban area of Honolulu from Diamond Head to Aloha Tower, your Committee believes that a lei of green plan should be considered at a statewide level.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although this measure does not contain an appropriation, the Office of Planning's testimony requests an appropriation of \$250,000 to plan the lei of green from Diamond Head to Aloha Tower.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1287, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1287, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 615 Water and Land on S.B. No. 1403

The purpose and intent of this measure is to:

- (1) Require a total of forty-one permits to be issued for the Maui Molokini Shoal Marine Life Conservation District (MLCD); and
- (2) Prohibit no more than twenty permitted vessels from being granted entry to the crater at any one time.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Ocean Tourism Coalition; Seabird Cruises, Inc.; Blue Water Rafting; Calypso Charters; PacWhale Eco-Adventures; Trilogy Corporation dba Trilogy Excursions; Kai Kanani Sailing; Maui-Molokai Sea Cruises; Maui Classic Charters, Inc.; and eleven individuals. Your Committee received testimony in opposition to this measure from The Nature Conservancy and three individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and Department of the Attorney General.

Your Committee finds that the Maui Molokini Shoal MLCD is an area about three miles off of Maui's southwestern coast containing the crescent shaped islet of Molokini. Access is by boat only and there is no sand beach on Molokini. The area includes the cove with sand patches, coral, and basaltic boulders on the bottom, and a shallow reef in less than thirty feet of water. The diversity of fish and other marine life within the MLCD is among the most impressive in the State; even humpback whales have been known to enter the cove, making it a popular attraction for visitors. As the popularity of the MLCD continues to increase, it is essential to set limits to ensure the sustainability and health of this precious resource for present and future generations.

Your Committee has amended this measure by:

- (1) Limiting the number of permits that shall be issued for the Maui Molokini Shoal Marine Life Conservation District to forty permits;
- (2) Stipulating that twenty permitted vessels shall be granted entry to the crater at any one time;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1403, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1403, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 616 Water and Land on S.B. No. 1414

The purpose and intent of this measure is to require the State Parks Division of the Department of Land and Natural Resources to conduct a feasibility study on the employment of residential caretakers at high-use hiking trails to assist hikers and reduce the need for rescues of hikers.

Your Committee received testimony in support of this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaii and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that hiking continues to increase in popularity among visitors and residents, leading to greater wear on trails and facilities. Additionally, your Committee finds that many hikers lack proper education as to hiking safety and etiquette, which has resulted in litter, loud noises, illegal parking in neighborhoods where trail heads are located, and other illegal activities, as well as increases in mountain rescues. This measure requires a feasibility study on the employment of residential caretakers at high-use hiking trails as a means of mitigating the negative impacts of high traffic on state trails to ensure that Hawaii's hiking trails continue to be safely enjoyed by residents and visitors.

Your Committee has amended this measure by inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1414, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1414, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Nishihara).

### SCRep. 617 (Joint) Agriculture and Environment and Water and Land on S.B. No. 393

The purpose and intent of this measure is to:

- (1) Amend coastal zone management laws to further protect against impacts of sea level rise and coastal erosion;
- (2) Require new developments to plan for the impacts of projected sea level rise; and
- (3) Prohibit development in areas significantly affected by projected sea level rise.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Land and Natural Resources, IMUAlliance, Hawai'i Reef and Ocean Coalition, Life of the Land, Environmental Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, and three individuals. Your Committees received comments on this measure from the Office of Planning and Building Industry Association of Hawaii.

Your Committees find that as an island state, land use and development in Hawaii are concentrated on low-lying coastal plains. In many communities, the most dense developments are situated right up against the shoreline. This pattern of coastal development results in major impacts to public beaches and marine resources and increases community exposure to hazards of beach erosion and coastal flooding. The science is clear that rates of sea-level rise will increase in the coming decades. This will result in increasing severity and frequency of coastal erosion and flooding events. Therefore, improving coastal zone management laws and planning for sea-level rise are vital.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 393 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Water and Land: Ayes, 4; Ayes with Reservations (Riviere). Noes, none. Excused, 1 (Fevella).

# SCRep. 618 (Joint) Agriculture and Environment and Water and Land and Government Operations on S.B. No. 690

The purpose and intent of this measure is to implement the recommendations of the Hawai'i Sea Level Rise Vulnerability and Adaptation Report issued by the Hawai'i Climate Change Mitigation and Adaptation Commission.

Your Committees received testimony in support of this measure from the Department of Transportation, Hawaii Emergency Management Agency, Land Use Commission, Hawaii Farmers Union, Environmental Caucus of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, Association of Hawaiian Civic Clubs, IMUAlliance, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, Surfrider Foundation, Prince Kūhiō Hawaiian Civic Club, Society for Hawaiian Archaeology, and eleven individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources, Office of Environmental Quality Control, Office of Planning, and American Institute of Architects.

Your Committees find that in December 2017, the Hawaii Climate Change Mitigation and Adaptation Commission accepted the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). The first recommendation of the SLR Report is to recognize the SLR-XA (Sea Level Rise Vulnerability Area) as a statewide vulnerability zone. The SLR-XA demonstrates the extent of the potential exposure of land and structures to flooding and erosion with an increase of 0.5, 1.1, 2.0, and 3.2 feet of sea level rise throughout the State. Thus, your Committees believe that sea level rise is a concern for all who live, work, or play within coastal areas of the State and action must be taken to mitigate the impacts.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees find that proper appropriation amounts may be more appropriately addressed by your Committee on Ways and Means and requests your Committee on Ways and Means to determine those amounts.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Water and Land, and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 690, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 690, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 619 (Joint) Agriculture and Environment and Water and Land on S.B. No. 828

The purpose and intent of this measure is to:

- (1) Establish a coastal erosion proactive adaptation plan task force, with the assistance of an advisory group and a consultation team, to develop a coastal erosion proactive adaptation plan to better mitigate impacts to the State's coastal zone caused by sea level rise and erosion; and
- (2) Appropriate funds to support the task force.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Design and Construction; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Coastal Planners, LLC; and one individual. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that the current reactive shoreline regulatory process has become a substantial time and cost burden. Observations over the past decade show that Hawaii's current reactive shoreline permit system can be an obstacle to protecting, preserving, and restoring the State's shorelines and coastal ecosystems.

Your Committees further find that this reactive permit system often exacerbates shoreline erosion and coastal ecosystem degradation. The permit process includes the environmental assessment planning process, which typically needs to be completed prior to completing federal, state, and county permit applications.

Your Committees believe that a coastal erosion proactive adaptation plan can overcome the negative impacts from Hawaii's reactive shoreline planning process and reactive shoreline permit system.

Your Committees have amended this measure by:

- (1) Expanding the authorized use of the appropriated funds to include establishment of one full-time equivalent (1.0 FTE), civil-service-exempt position in the Office of Planning to administer the coastal erosion proactive adaptation plan task force; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 828, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 828, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 620 Agriculture and Environment on S.B. No. 975

The purpose and intent of this measure is to clarify certain requirements for condominium property regimes on agricultural lands in a county with a population of seven hundred fifty thousand or more, including:

- (1) For purposes of planned community associations, requiring the owner of any parcel of land subdivided as a condominium property regime in agricultural or preservation lands to provide public notice of the sale no later than ninety days after the sale of the parcel; and
- (2) Providing an option for county participation in the approval of certain major agricultural condominium property regimes.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting and two individuals. Your Committee received comments on this measure from the Department of Agriculture and Office of Planning.

Your Committee finds that there are challenges statewide with the regulation of residential uses on lands under condominium property regimes in the state agricultural and preservation districts. Your Committee further finds that this measure is a step in the right direction to better protect Hawaii's agricultural and preservation lands from encroachment by non-agricultural or non-preservation uses, including residential development with little connection to bona fide farming activities.

Your Committee has amended this measure by:

- (1) Applying the prohibition on residential use of sheds and structures on agricultural lands statewide, rather than to certain counties:
- Removing language that would have allowed residential use of sheds and structures on agricultural lands if permitted under county ordinances and rules;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

Your Committee notes that the City and County of Honolulu Department of Planning and Permitting raised concerns related to this measure. Your Committee respectfully requests that your Committees on Ways and Means and Commerce and Consumer Protection review the Department of Planning and Permitting's recommendations in its testimony, which include improving the measure's language for greater clarity, deleting a provision that prohibits a reasonable use that should be allowed, and allowing counties to have a decision-making role in requests for agricultural condominium property regimes.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 975, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 975, S.D. 1, and be referred to your Committees on Ways and Means and Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 621 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 160

The purpose and intent of this measure is to establish an exemption from tort liability for the State and counties arising from lifeguard services provided by a county lifeguard on the beach or in the ocean, except for gross negligence or wanton acts or omissions.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Kauai; Maui County Council; Kaua'i County Council; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Association of Counties; County of Kauai Ocean Safety Bureau; Maui Hotel and Lodging Association; Ocean Safety and Lifeguard Services; Drowning and Aquatics Injury Prevention Advisory Committee; Honolulu County Republican Party; one member of the Hawaii County Council; and eight individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that after years of extensions granted by the Legislature, the protections for lifeguards from liability established by Act 170, Session Laws of Hawaii 2002, sunset on June 30, 2017. Your Committee further finds that this limited liability protection allowed counties to provide lifeguard services at various sites, including state beaches, without the threat of costly litigation. Your Committee additionally finds that continued placement of lifeguards at state-owned beaches and in the ocean will help reduce the number of deaths and injuries at these locations.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 160 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 622 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 166

The purpose and intent of this measure is to appropriate funds to the Office of the Governor, Department of Agriculture, and Department of Health for disaster relief and recovery for the County of Hawai'i.

Your Committee received testimony in support of this measure from the Department of Health; Department of Agriculture; Hawaii Emergency Management Agency; University of Hawai'i System; Hawaiian Electric Company, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and Hawaii Farm Bureau. Your Committee received comments on this measure from the County of Hawai'i Department of Research and Development.

Your Committee finds that the Kilauea eruption in 2018 permanently altered significant portions of the landscape, communities, and economy of the Island of Hawaii, with financial losses tallying in the hundreds of millions for the county. Your Committee further finds that although the eruption has paused, the Hawaii Volcano Observatory's alert level is "advisory" rather than "normal", reflecting uncertainty that the eruption is over. Your Committee additionally finds that the scale of recovery compounded by the potential risk of further eruptive activity necessitates further resources for disaster relief and recovery.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 166 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 623 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 610

The purpose and intent of this measure is to:

- (1) Amend the Kauai flooding disaster relief appropriation made in Act 12, Session Laws of Hawaii 2018, to include flood mitigation measures;
- (2) Extend the lapse date of the appropriation to June 30, 2020; and
- (3) Exempt the appropriation from certain restrictions on transfers of or changes to appropriations.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one member of the Kauaʻi County Council.

Your Committee finds that the Island of Kauai experienced historic flooding during 2018, and the recovery efforts are extensive and long term. Your Committee further finds that the Legislature appropriated monies for flooding disaster relief in Act 12, Session Laws of Hawaii 2018. Your Committee additionally finds that some flood recovery projects are still ongoing and scheduled for completion in June of this year. This measure will extend the emergency funding window for addressing Kauai's flood recovery and ensure that recovery projects that are currently in progress will be completed.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 610 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 624 (Joint) Labor, Culture and the Arts and Higher Education on S.B. No. 1368

The purpose and intent of this measure is to establish a collective bargaining unit for graduate student assistants employed by the University of Hawaii.

Your Committees received testimony in support of this measure from the University of Hawaii Professional Assembly; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Teachers Association; Democratic Party of Hawaii Labor Caucus; ILWU Local 142; Democratic Party of Hawaii Education Caucus; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Kamehameha Schools Faculty Association; Young Progressives Demanding Action; and five individuals. Your Committees received testimony in opposition to this measure from the University of Hawaiii System and one individual. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that graduate student assistants perform a variety of teaching and research functions that are necessary and vital to the overall strength and accomplishments of a successful university. At research universities, such as the University of Hawai'i at Manoa, graduate student assistants are in the trenches, collaborating on research with faculty members that often leads to innovative ideas.

Your Committees further find that graduate student assistants receive tuition waivers and stipends as compensation, but budget shortfalls have increased class size and workload, which has increased the burden on the University of Hawaii's graduate student assistants. Graduate student assistants at the University of Hawaii are not currently authorized to organize to advocate for their own employment rights. This measure will allow graduate student assistants to organize for the purpose of collective bargaining so that they may negotiate for fair salaries, benefits, and rights.

Your Committees have amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1368, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1368, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and Vice President on behalf of the Committees. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella). Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

#### SCRep. 625 Labor, Culture and the Arts on S.B. No. 1349

The purpose and intent of this measure is to authorize staggered work weeks for public employees.

Your Committee received testimony in opposition to this measure from the Honolulu Police Department and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of Human Resources Development.

Your Committee finds that offering public employees the option of a flexible work schedule through staggered work hours will benefit families, communities, the environment, and the economy. Some of the benefits include less traffic on the roads during peak commute times, shorter commute times, less pollution, more time at home with family, and more opportunities to enjoy the island lifestyle. This measure will allow public employees to choose a work schedule with staggered work hours, which will help alleviate traffic congestion and facilitate an overall better quality of life.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1349, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1349, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Chang).

# SCRep. 626 (Joint) Agriculture and Environment and Water and Land on S.B. No. 944

The purpose and intent of this measure is to add to the authority of the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) by directing it to:

- (1) Identify and prioritize nature-based solutions to climate change; and
- (2) Assess opportunities for insurance and other risk transfer mechanisms that incentivize investment in nature-based solutions to climate change.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, EcoTipping Points Project, Hawaii Reef and Ocean Coalition, Environmental Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, and three individuals.

Your Committees find that greenhouse gas emissions are a leading cause of global warming and climate change. The Legislature has passed numerous measures over the last decade to address climate change. Among them, Act 32, Session Laws of Hawaii 2017, commits Hawaii to systematically reduce greenhouse gas emissions and improve resiliency to climate change in alignment with the principles and goals of the Paris Climate Agreement.

Your Committees further find that Hawaii has increasing exposure to climate-change-related risks and events. The islands also have environmental resources such as forests, wetlands, coral reefs, and other natural infrastructure that, if healthy, well-managed, and functioning, can help reduce emissions as well as mitigate the risks and related loss and damages from climate change.

Your Committees therefore find that it is important to invest in nature-based solutions to climate change.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$50,000 for fiscal year 2019-2020 and adding an appropriation of \$50,000 for fiscal year 2020-2021 for the Commission to identify and prioritize nature-based solutions to mitigate climate change impacts; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 944, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 944, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 627 (Joint) Agriculture and Environment and Water and Land on S.B. No. 930

The purpose and intent of this measure is to require the Hawaii Climate Change Mitigation and Adaptation Commission and Coordinator to assist state and county agencies with developing and implementing various sea level rise adaptation plans and climate change mitigation efforts.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency, one member of the Hawai'i County Council, Ulupono Initiative, IMUAlliance, Hawaii Reef and Ocean Coalition, Environmental Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, and two individuals. Your Committees received comments on this measure from one individual.

Your Committees find that climate change is a major threat to the economy, environment, and overall well-being of the State. Your Committees further find that this measure continues implementation of the Legislature's commitments to combat the impacts of climate change, specifically those commitments made in the 2014 Hawaii Climate Adaptation Initiative Act to establish the Interagency Climate Adaptation Committee, task the Committee with developing a sea level rise vulnerability and adaptation report, and task the Office of Planning with preparing a statewide adaptation plan, and Act 32, Session Laws of Hawaii 2017, which established the Hawaii Climate Change Mitigation and Adaptation Coordinator.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 930 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 628 (Joint) Agriculture and Environment and Water and Land on S.B. No. 871

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources for invasive species technician positions in its Division of Forestry and Wildlife on the island of Hawai'i to address invasive plants and animals.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; University of Hawai'i College of Tropical Agriculture and Human Resources; Office of the Mayor of the County of Hawai'i; two members of the Hawai'i County Council; Hawaiian Electric Company, Inc.; The Nature Conservancy; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawai'i Farm Bureau; and three individuals. Your Committees received testimony in opposition to this measure from Animal Rights Hawai'i and one individual.

Your Committees find that the invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is the single greatest threat to Hawaii's economy and natural environment and to the health and lifestyle of Hawaii's people. Your Committees further find that despite many successes, mitigation of invasive species threats and impacts is an ongoing process that requires resources. Provision of additional positions on the island of Hawai'i will help protect the environment, human health, culture, and economy.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 871 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 629 (Joint) Agriculture and Environment and Water and Land on S.B. No. 685

The purpose and intent of this measure is to provide funds to establish invasive species technician positions for the Department of Land and Natural Resources' Division of Forestry and Wildlife in east Maui to control invasive species from negatively impacting the environment and economy.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; County of Maui Office of the Mayor; one member of the Maui County Council; The Nature Conservancy Hawai'i; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; Coastal Planners, LLC; and four individuals. Your Committees received testimony in opposition to this measure from Animal Rights Hawai'i.

Your Committees find that the invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is a serious threat to the State's economy and natural environment and to the health and lifestyle of the people of Hawaii. Pests already cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, and the spread of disease. It is estimated that approximately 37,000 acres throughout east Maui could contain miconia, which poses a threat to the local environment, cultural practices, and economy.

Your Committees further find that stopping the influx of new pests and containing their spread are essential to the State's current and future well-being.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$2,000,000 for each fiscal year for five technician positions to address invasive species in Maui;
- (2) Inserting a blank appropriation from Senate Bill 697, Regular Session of 2019, which relates to invasive species, for the Department of Land and Natural Resources to reduce and eradicate invasive species in Maui;
- (3) Updating the purpose section; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 685, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 685, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 630 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs and Water and Land on S.B. No. 521

The purpose and intent of this measure is to enhance Hawaii's environment and economy by ensuring that in the future, the counties employ best practices to protect their beaches and shorelines from the unsanitary conditions and public nuisances caused by plastic marine debris.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Dolphin Quest, Hawai'i Reef and Ocean Coalition, Sierra Club of Hawai'i, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Surfrider Foundation, and ten individuals. Your Committees received comments on this measure from the Honolulu Emergency Services Department and one member of the Maui County Council.

Your Committees find that plastic marine debris is fouling Hawaii's iconic beaches and the ocean, harming recreation and the State's largest industry, tourism. Larger and smaller pieces of plastic marine debris have significant negative impacts on the environment and contribute to the potential death of marine animals and bird populations through ingestion.

Your Committees further find that the removal of plastic marine debris from beaches is critical to Hawaii's economy and environment. However, your Committees find that removal has been hampered by disagreement over which agencies have responsibility and jurisdiction and which practices are best practices for removing plastic marine debris. Therefore, your Committees find that establishing a working group to create a unified state and county approach to, and research best practices for, plastic marine debris removal is the most appropriate action at this time.

Your Committees have amended this measure by:

- (1) Removing the requirement that the counties shall determine best practices for plastic marine debris removal, remove plastic marine debris from their shores and beaches, and report to the Legislature each regular session;
- (2) Establishing the Plastic Marine Debris Working Group and designating the membership of the working group;
- (3) Directing the Chairperson of the Board of Land and Natural Resources to appoint a representative of the Board of Land and Natural Resources to act as the chair of the Plastic Marine Debris Working Group;
- (4) Directing each county to cooperate with and participate in the Plastic Marine Debris Working Group;
- (5) Directing Plastic Marine Debris Working Group to consult and coordinate with experts from the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program, other coastal states, and non-profit organizations regarding the most efficient and effective practices, equipment, and technologies;

- (6) Requiring the Plastic Marine Debris Working Group to report to the Legislature prior to the 2021 legislative session on its findings and include each county's plan for how to collect and transport plastic debris from its beaches and shorelines to solid waste management systems, among other requirements;
- (7) Inserting an appropriation amount of \$100,000 for each fiscal year to the Department of Land and Natural Resources to administer the working group and, if necessary, retain a facilitator to coordinate with others regarding best practices on removing plastic marine debris from beaches and shorelines; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Public Safety, Intergovernmental, and Military Affairs, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 521, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 521, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

Water and Land: Ayes, 5. Noes, none. Excused, none.

### SCRep. 631 (Joint) Agriculture and Environment and Water and Land on S.B. No. 964

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for the construction of:

- (1) An invertebrate and plant propagation facility and baseyard improvements on Oahu;
- (2) A predator proof fence on Oahu; and
- (3) A predator proof fence on Maui.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, The Nature Conservancy, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and three individuals.

Your Committees find that Hawaiian tree snails, *Kahuli*, are treasured for their importance to native Hawaiian culture, their beauty, and their ecological role in sustaining healthy forest ecosystems. On January 1, 2019, another irreplaceable native Hawaiian species was lost when the last known *Achatinella apexfulva*, named "Lonesome George", perished. However, there are effective tools, including invertebrate captive rearing facilities and predator-proof fencing, to protect these species that are part of Hawaii's natural and cultural legacy. Your Committees further find that there is a crucial need to relocate the existing invertebrate captive rearing facilities from Kawainui, where the facilities are extremely vulnerable to flooding, high wind events, and vandalism, to the Waimano baseyard on Oahu. This measure provides resources to assist in protecting Hawaii's valuable snails.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 964 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 632 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism on S.B. No. 1463

The purpose and intent of this measure is to create a revenue-neutral measure with the existing fuel taxes and to:

- (1) Replace the environmental response, energy, and food security tax with a carbon emissions tax on the sale of all fuels with carbon content; and
- (2) Repeal the state fuel tax.

Your Committees received testimony in support of this measure from the University of Hawai'i, The Nature Conservancy Hawai'i, Blue Planet Foundation, and two individuals. Your Committees received testimony in opposition to this measure from three individuals. Your Committees received comments on this measure from the Department of Taxation; Department of Agriculture; Department of Health; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources, Department of Transportation; We Are One, Inc.; Life of the Land; Tax Foundation of Hawaii; Elemental Excelerator; and Sierra Club of Hawai'i.

Your Committees find that transportation-generated greenhouse gas emissions are a significant contributor to climate change, and an effective way to reduce greenhouse gas emissions is to put a price on carbon.

Your Committees further find that the best means of carbon pricing for the State is a use-based tax on all carbon dioxide-emitting fuels, such as oil, gas, and coal. The Department of Taxation already implements various fuel-based taxes.

Your Committees also find that a state carbon emissions tax can be implemented by amending the environmental response, energy, and food security tax and repealing the state fuel tax, which changes would likely sustain current levels of state revenue and thereby make this measure revenue-neutral.

Your Committees have amended this measure by:

- (1) Directing the Department of Business, Economic Development, and Tourism, rather than the Department of Taxation, to annually submit proposed legislation suggesting amendments to carbon emissions tax rates based on the United States Energy Information Administration's determination of carbon dioxide emissions per energy source;
- (2) Making the measure effective on January 1, 2021, and making the repeal of the fuel tax credit for commercial fishers applicable to taxable years beginning after December 31, 2019, to provide the Department of Taxation with sufficient time to update forms and give notice and educate the public about the new carbon emissions tax and the repealed state fuel tax; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1463, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1463, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Taniguchi, Wakai). Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 633 (Joint) Agriculture and Environment and Government Operations on S.B. No. 1543

The purpose and intent of this measure is to prohibit the expenditure of state funds by state agencies for the purchase of beverages in plastic bottles or rigid plastic containers, except under certain circumstances.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and four individuals. Your Committees received testimony in opposition to this measure from the Plastics Industry Association and three individuals. Your Committees received comments on this measure from the Department of Human Services and Department of Land and Natural Resources.

Your Committees find that plastic waste has an adverse and long-lasting impact on wildlife and on the environment as a whole. Plastic waste is especially damaging when it enters the ocean, where it poses a significant hazard to marine life. Your Committees additionally find that plastic beverage bottles and rigid containers constitute a significant portion of this plastic waste. However, your Committees also find that there are some uses of plastic beverage containers in which the benefits of the use outweigh the comparatively small amount of plastic waste that those uses generate.

Accordingly, your Committees have amended this measure by:

- (1) Including purchases made in relation to the licensed blind vendor program and purchases of water by the Department of Land and Natural Resources for wildland firefighters of the Division of Forestry and Wildlife, as exceptions to the prohibition on using state funds for the purchase of beverages in plastic bottles or rigid plastic containers; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1543, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1543, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 634 (Joint) Agriculture and Environment and Water and Land on S.B. No. 1113

The purpose and intent of this measure is to strengthen the policies of the State to reduce residential exposure to coastal hazards and to protect state beaches and update language for consistency with other statutes.

Your Committees received testimony in support of this measure from IMUAlliance, Hawai'i Reef and Ocean Coalition, Life of the Land, Environmental Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, and three individuals. Your Committees received comments on this measure from the Office of Planning, Department of Land and Natural Resources, Building Industry Association of Hawaii, and one individual.

Your Committees find that the coastal zone management program was established as part of the coastal zone management law under Act 188, Session Laws of Hawaii 1977. Your Committees further find that increased development along shorelines, increased landward migration of shorelines due to sea-level rise, and beach loss fronting shoreline armoring necessitate updates to existing policies and regulations to address critical shortcomings in protecting beaches and other coastal environments.

Your Committees find that state coastal zone management policies must be strengthened to conserve beaches for present and future generations while also reducing hazard exposure to shorefront communities.

- (1) Defining the term "coastal hazard" as any tsunami, hurricane, wind, wave, storm surges, high tide, flooding, stream flooding, erosion, sea-level rise, subsidence, and point and nonpoint source pollution, and substituting that term where appropriate;
- (2) Updating objectives of the coastal zone management program relating to beach protection and policies of the coastal zone management program relating to recreational resources, economic uses, coastal hazards, and beach protection;

- (3) Amending the conditions that must be met in order for a county planning commission or county council to:
  - (A) Waive the public hearing requirement prior to action on a shoreline setback variance application for protection of a legal structure or public facility; and
  - (B) Grant a shoreline setback variance for certain private facilities or improvements;
- (4) Reinstating the authority of the county planning commission or county council to consider, when determining whether to grant a shoreline setback variance, hardship that will result to the applicant if the facilities or improvements are not allowed within the shoreline area; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1113, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1113, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman). Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 635 (Joint) Agriculture and Environment and Water and Land and Hawaiian Affairs on S.B. No. 1066

The purpose and intent of this measure is to:

- (1) Establish and appropriate funds for a three-year pilot program to determine if state incentives tied to agricultural land leases can increase local food production; and
- (2) Require the Departments of Agriculture, Land and Natural Resources, Hawaiian Home Lands, and Agribusiness Development Corporation to each report to the Legislature annually regarding the results of the pilot program.

Your Committees received testimony in support of this measure from the Department of Agriculture; Agribusiness Development Corporation; We Are One, Inc.; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; Hawaiʻi Center for Food Safety; Hawaii Farmers Union; Hoʻomanapono Political Action Committee; Hawaii Farm Bureau; Farm Maui LLC; Hawaii Cattlemen's Council; Our Revolution Hawaii; and sixteen individuals. Your Committees received comments on this measure from the Department of Hawaiian Home Lands and two individuals.

Your Committees find that Hawaii does not have an adequate-sized farming workforce for expansion of cultivated agricultural lands and food production. In order to meet the State's aspirations for increased food security and self-sufficiency, the number of local farms and farmers and the amount of food produced for local markets will need to increase significantly. This increase can be achieved through incentives tied to state agricultural land leases to encourage a growth in local food production in the State.

Your Committees have amended this measure by:

- (1) Requiring the Department of Agriculture to consult with the Department of Business, Economic Development, and Tourism in its reporting on the results of the state land lease incentives pilot program;
- (2) Inserting an appropriation amount of \$25,000 for fiscal years 2019-2020 and 2020-2021 to the Department Agriculture for administration of the pilot program;
- (3) Inserting language that appropriates \$25,000 to the Department of Hawaiian Home Lands and \$25,000 to the Agribusiness Development Corporation for fiscal years 2019-2020 and 2020-2021 for the implementation of this measure; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Water and Land, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1066, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1066, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 636 (Joint) Transportation and Judiciary on S.B. No. 1236

The purpose and intent of this measure is to:

- Clarify that the exemption for disabled persons from the payment of parking fees is an exception for drivers who are unable to reach or operate a parking meter or unattended pay station due to a physical disability, display a distinguishing parking device, code, or placard;
- (2) Make the act of selling or buying a disability parking permit a misdemeanor;
- (3) Authorizes law enforcement to confiscate a disability parking permit that has been altered or invalid; and
- (4) Clarify the types of disabilities that qualify for a disability parking permit.

Your Committees received testimony in support of this measure from the Disability and Communication Access Board, Honolulu Police Department, and three individuals. Your Committees received testimony in opposition to this measure from the Ho'omanapono Political Action Committee and one individual. Your Committees received comments on this measure from the Department of Accounting and General Services.

Your Committees find that the current exemption for disabled persons to park vehicles in metered parking spaces without paying parking meter fees for an initial period exceeds the original intent of section 291-55, Hawaii Revised Statutes. The original intent was to exempt disabled persons who are licensed to drive and unable to reach or feed a parking meter due to their disability. However, as currently written, the section exempts any vehicle displaying a valid disability parking permit from paying the parking fee.

Your Committees further find that this measure will narrow the exemption from payment of parking meter fees to align to the original intent of section 291-55, Hawaii Revised Statutes, by allowing only disabled person who are unable to reach or feed a parking meter because of their disability.

Your Committees have amended this measure by:

- (1) Changing reference of "distinguishing parking device, code, or placard" to "disabled paid parking exemption permit";
- (2) Inserting a definition for "commissioned volunteer enforcement officer";
- (3) Specifying that disabled paid parking exemption permit holders will be exempt from parking meter fees for the first two-and-a-half hours or the maximum amount of time the meter allows, whichever is longer; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1236, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1236, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Transportation: Ayes, 5. Noes, none. Excused, none.

Judiciary: Ayes, 5. Noes, none. Excused, none.

### SCRep. 637 Hawaiian Affairs on S.B. No. 1446

The purpose and intent of this measure is to require the Office of Hawaiian Affairs Board of Trustees to approve or disapprove the Administrator's appointment of, and have a direct supervisory role over, the chief financial officer, director of human resources, and attorney.

Your Committee received testimony in support of this measure from Ho'omanapono Political Action Committee, Ka Lāhui Hawai'i Political Action Committee, and one individual. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs Beneficiary Advocacy and Empowerment Committee.

Your Committee finds that every government agency must foster a culture of accountability at all levels of the organization in order to successfully achieve its mission and serve its constituents. This measure provides additional oversight options to the Office of Hawaiian Affairs Board of Trustees to create a robust system of checks and balances within the Office of Hawaiian Affairs.

Your Committee has amended this measure by:

- Adding language to allow the Board of Trustees to delegate direct oversight authority over the chief financial officer, director
  of human resources, and attorney, to mitigate any potential constitutional conflict; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1446, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1446, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Vice President on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Ihara).

# SCRep. 638 (Joint) Government Operations and Housing on S.B. No. 10

The purpose and intent of this measure is to establish the office of the affordable housing ombudsman to monitor and comment on the State's production of affordable housing units; the development and implementation of laws, regulations, and policies relating to affordable housing; and investigate and resolve complaints from tenants or homeowners in publicly-subsidized affordable or public housing.

Your Committees received testimony in support of this measure from O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and Hawaiian Community Assets. Your Committees received comments on this measure from the Office of the Ombudsman and Building Industry Association of Hawaii.

Your Committees find that there is a great need to increase the supply of affordable housing in Hawaii. Your Committees further find that under existing law, there is no office established to monitor and comment on the State's production of affordable housing. This measure will establish an office of the affordable housing ombudsman, to be headed by an affordable housing ombudsman, who will advocate for affordable housing within the State.

- Establishing an Office of the Affordable Housing Advocate, rather than the Office of the Affordable Housing Ombudsman, and
  making associated conforming amendments;
- (2) Placing the Office of the Affordable Housing Advocate within the Office of the Governor;
- (3) Clarifying the duties of the Affordable Housing Advocate, including working with all state agencies that manage land to solve the affordable housing shortage and monitoring, commenting, and reporting on the State's production of affordable housing units; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the Affordable Housing Advocate established by this amended measure is intended to function more as an advocate for affordable housing in the State, rather than an independent impartial investigator. Your Committees also note for your Committee on Ways and Means that this position will need to be established and funded in the budget.

As affirmed by the records of votes of the members of your Committees on Government Operations and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 10, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 10, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 639 Government Operations on S.B. No. 335

The purpose and intent of this measure is to ensure equal access to notice of public meetings.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Office of Information Practices, Disability and Communication Access Board, and Hawai'i Civil Rights Commission.

Your Committee finds that under existing law, state governments are required to provide qualified individuals with disabilities equal access to programs, services, and activities. Your Committee further finds that Hawaii's sunshine law, which allows individuals to request that an agency mail them notices of meetings, does not provide the same access and rights to individuals with disabilities. This measure makes certain changes to the existing law relating to posting of public notices, thereby ensuring equal access by all members of the community to open government meetings and forums.

Your Committee has amended this measure by:

- (1) Removing the requirement that a board post a notice that shows "confirmed receipt";
- (2) Removing references to "accessible format" and "accessible", due to ambiguity;
- (3) Reinstating statutory language that states that failure to post meeting notices shall not require cancellation of a meeting and permits a copy of the notice to be provided electronically; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 335, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 335, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Baker).

#### SCRep. 640 (Joint) Government Operations and Judiciary on S.B. No. 124

The purpose and intent of this measure is to:

- (1) Increase the settlement and payment authority of the Risk Management Office;
- (2) Require the Risk Management Office to publish and notify the legislature and attorney general of the adjusted maximum amounts; and
- (3) Require the Risk Management Office to prepare annually a report of all claims arbitrated, compromised, or settled based on the adjusted amount determined by the Comptroller.

Your Committees received comments on this measure from the Department of Accounting and General Services.

Your Committees find that any claims above the Risk Management Office's settlement and payment authority is handled by the Department of the Attorney General. This measure will reduce some of the cases assigned to the Attorney General by increasing the settlement authority of the Risk Management Office, thereby promoting settlement and more efficient use of state resources.

- (1) Increasing the Comptroller's settlement authority for automobile claims from \$15,000 to \$25,000;
- (2) Increasing the limit on the Comptroller's settlement authority for tort claims from \$10,000 to \$25,000;
- (3) Removing the requirement that the maximum amounts that may be paid from the state risk management revolving fund be linked to the United States Department of Labor Consumer Price Index for All Urban Consumers for Honolulu; and

(4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 124, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 124, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 641 Commerce, Consumer Protection, and Health on S.B. No. 1124

The purpose and intent of this measure is to:

- (1) Provide that any interested party may file a petition for a mental health order alleging that another person has a mental illness and qualifies for assistance;
- (2) Require the court to assess whether a person meets the criteria for assisted community treatment before discharging a person who has been involuntarily hospitalized;
- (3) Authorize the court to order a person to obtain assisted community treatment as an alternative to involuntary hospitalization; and
- (4) Clarify the criteria for assisted community treatment.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Partners in Care, Mental Health America of Hawaiʻi, The Institute for Human Services, Hawaii Island HIV/AIDS Foundation, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, and one individual.

Your Committee finds that the State's assisted community treatment law was enacted in 2013, to help individuals with serious mental illnesses obtain the treatment and medication they needed. However, your Committee further finds that assisted community treatment is only rarely used, with fewer than ten orders for court-mandated treatment plans being issued in the past five years. This measure is intended to encourage the use of assisted community treatment by allowing more flexibility on the part of the family courts and clarifying provisions of mental health treatment law.

Your Committee notes that the Department of the Attorney General has submitted testimony on this measure addressing several concerns, including that the court may need additional guidance regarding the placement of patients in assisted community treatment as opposed to involuntary commitment to a hospital, and that such consideration may merit further discussion as this measure proceeds in the legislative process. Your Committee further notes that the Department of the Attorney General has requested additional funding for expenses relating to the provisions of this measure, but your Committee believes that it is necessary to see whether this measure increases the Department's work load before providing additional funding.

Your Committee has amended this measure by:

- (1) Clarifying that a court may evaluate a petition for a mental health order and determine whether a person meets the criteria for either involuntary hospitalization or assisted community treatment, then issue an order based on that determination;
- (2) Clarifying that petitions for mental health orders are in addition to existing petitions for involuntary hospitalization and assisted community treatment;
- (3) Clarifying that a person may be considered "dangerous to self" if the person behaves in such a manner as to indicate that the person is unable to satisfy the need for treatment for a mental illness;
- (4) Specifying that the determination of whether or not a mental illness has caused a person to refuse needed mental health services, and which would result in the individual becoming imminently dangerous to self or others, must be determined by a psychiatrist or properly qualified advanced practice registered nurse; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1124, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1124, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 642 Commerce, Consumer Protection, and Health on S.B. No. 1401

The purpose and intent of this measure is to:

- (1) Prohibit pharmacy benefit managers from engaging in self-serving business practices;
- (2) Replace the registration requirement for pharmacy benefit managers with a license requirement; and
- (3) Increase pharmacy benefit manager reporting requirements to the Insurance Commissioner.

Your Committee received testimony in support of this measure from KTA Super Stores; Pahoa Pharmacy; North Shore Pharmacy; Shiigi Drug Co., Inc.; Good Health Pharmacy; Times Supermarket Pharmacy; Hawaii Community Pharmacists; Medical Center

Northshore Pharmacy; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Pharmacist Association; and seventeen individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, Office of Information Practices, and Pharmaceutical Care Management Association.

Your Committee finds that there is little to no oversight for pharmacy benefit managers and their business practices. The lack of transparency coupled with the lack of oversight has been a detriment to locally-owned, independent pharmacies. This measure establishes protections to ensure fair drug pricing for patients and health care providers.

Your Committee notes that it has requested the Department of Commerce and Consumer Affairs to produce information concerning other states that have provided oversight and licensure of pharmacy benefit managers to be further considered by your Committee on Ways and Means. Additionally, your Committee recommends that your Committee on Ways and Means consider a budget ceiling increase that may be required for the year this measure may ultimately become effective.

Your Committee has amended this measure by:

- Clarifying that information provided under the transparency report to the Insurance Commissioner, and identifiable to a
  pharmacy benefit manager, is not disclosable as a public record, but permitting the Commissioner to report nonidentifiable
  aggregated information of multiple pharmacy benefit managers;
- Increasing pharmacy benefit manager application and renewal fees and the penalty for failure to renew a license from \$140 to \$500;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1401, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1401, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 643 Commerce, Consumer Protection, and Health on S.B. No. 1521

The purpose and intent of this measure is to:

- (1) Establish requirements for pharmacy benefit managers and maximum allowable cost, including the ability of pharmacies to receive comprehensive maximum allowable cost limits;
- (2) Bring complaints regarding maximum allowable cost within the purview of the Department of Commerce and Consumer Affairs, rather than the Department of Health:
- (3) Require pharmacy benefit managers to disclose where an equivalent drug can be obtained at or below the maximum allowable cost, when a maximum allowable cost is upheld on appeal, and allow contracting pharmacies to reverse and rebill claims in certain circumstances; and
- (4) Clarify the available penalties for violations of maximum allowable cost requirements.

Your Committee received testimony in support of this measure from The Queen's Health Systems; Medical Center Northshore Pharmacy; Times Supermarket Pharmacy; North Shore Pharmacy; Pahoa Pharmacy; Shiigi Drug Co., Inc.; Good Health Pharmacy; KTA Super Stores; Hawaii Community Pharmacists; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiiʻi; Hawaii Pharmacist Association; and twenty individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, Office of Information Practices, Hawaii Medical Service Association, CVS Health, and Pharmaceutical Care Management Association.

Your Committee finds that pharmacy benefit managers (PBMs) are third party administrators that contract with health plans, employers, unions, and government entities to manager prescription drug programs on behalf of health plan beneficiaries. Because PBMs control formularies for prices through instruments such as maximum allowable cost lists, they have the ability to create arbitrary pricing uncertainty for pharmacies. In addition to price uncertainty, pharmacies go through undue burdens when accessing maximum allowable cost prices for any given drug and currently do not receive data in standard and comprehensive list formats, meaning pharmacies must obtain maximum allowable cost prices on an individual prescription basis. With no guideline or standard approach when it comes to the disclosure of the maximum allowable cost list, each PBM is able to develop its own burdensome process, which puts many pharmacies at a disadvantage.

This measure is intended to increase oversight and transparency of PBMs' business practices in establishing maximum allowable costs for prescription drugs by requiring PBMs to disclose where an equivalent drug may be obtained, at or below the cost used to establish the maximum allowable cost

However, your Committee has heard the concern raised by the Department of the Attorney General that certain provisions of this measure, as written, may be subject to an Employee Retirement Income Security Act preemption challenge. Your Committee notes a severability clause should therefore be added to address this concern.

Your Committee has amended this measure by:

(1) Clarifying that pharmacy benefit managers must disclose where an equivalent drug may be obtained at or below the maximum allowable cost, when a maximum allowable cost is upheld on appeal, and allowing contracting pharmacies to reverse and rebill all claims for an appealed drug if the pharmacy benefit manager establishes a maximum allowable cost that is denied on appeal and pay the maximum allowable cost approved after resolution of the appeal by the contracting pharmacies;

- (2) Clarifying the format and information to be included in the comprehensive report for all drugs on a maximum allowable cost list:
- (3) Clarifying that if the maximum allowable cost is upheld on appeal, the pharmacy benefit manager shall provide the national drug code of an equivalent drug from a source where it may be purchased from a licensed wholesaler by a retail pharmacy at a price that is equal to or less than the maximum allowable cost of the drug that is the subject of the appeal;
- (4) Clarifying the process for the contracting pharmacy to reverse and rebill claims for the appealed drug;
- (5) Clarifying that the maximum allowable cost list and related information disclosed to the Insurance Commissioner or an elected representative shall be considered proprietary and confidential and not subject to disclosure as a public record;
- (6) Clarifying that the Commissioner may, rather than shall, adopt administrative rules and removing language requiring the Department of Commerce and Consumer Affairs to resolve all disputed claims;
- (7) Inserting a severability clause;
- (8) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1521, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1521, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

#### SCRep. 644 Labor, Culture and the Arts on S.B. No. 699

The purpose and intent of this measure is to:

- (1) Beginning with the 2021-2023 fiscal biennium, require the Governor to include in the executive budget request a minimum amount per fiscal year to be allocated to the State of Hawaii Museum of Natural and Cultural History; and
- (2) Appropriate funds to support the work of the State of Hawaii Museum of Natural and Cultural History.

Your Committee received testimony in support of this measure from the Historic Hawai'i Foundation; Bishop Museum; Kamehameha Schools; Charles Reed Bishop Trust; Native Hawaiian Hospitality Association; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Society of Hawaiian Archaeology; International Archaeological Research Institute, Inc.; and four individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, Department of Budget and Finance, and Department of the Attorney General.

Your Committee finds that the Bernice Pauahi Bishop Museum, designated as the State of Hawaii Museum of Natural and Cultural History, is significant for its cultural, architectural, educational, scientific, and historical contributions to Hawaii. It is listed on the National Register of Historic Places and is one of Hawaii's most significant and iconic buildings. Your Committee further finds that Bernice Pauahi Bishop Museum researchers have discovered over seventeen thousand species of plants, animals, and insects throughout the Pacific region and have made countless discoveries related to the migration, settlement, and daily life of Pacific people. Not only does the Bernice Pauahi Bishop Museum conduct research, but it also provides vital education to the public, including thousands of Hawaii's schoolchildren.

Your Committee also finds that the annual appropriation to the Bernice Pauahi Bishop Museum has decreased significantly over the preceding decade. This measure will appropriate funds to the State of Hawaii Museum of Natural and Cultural History, which will enable the Bernice Pauahi Bishop Museum to continue its work.

Your Committee notes the testimony of the Department of the Attorney General that "one Legislature cannot obligate a future Legislature to make an appropriation," and that therefore this measure does not provide mandatory funding. Your Committee finds that this measure does not purport to provide a mandatory level of funding but merely requires that the Governor's executive budget request to the Legislature for funding for each fiscal biennium include a minimum amount for the State of Hawaii Museum of Natural and Cultural History. Your Committee acknowledges that it cannot predict what future Legislatures will do, but by requiring the Governor to include a request for funding, it highlights the importance of the museum in the State and gives future Legislatures the option of providing the recurring funding the museum needs.

- (1) Clarifying that the Governor's inclusion of a minimum amount in the executive budget request continues for each fiscal biennium as a recurring cost after the 2021-2023 fiscal biennium;
- (2) Inserting the amount of \$2,000,000 as the minimum amount that shall be included in the Governor's executive budget request; and
- (3) Decreasing the appropriation to support the work of the Bernice Pauahi Bishop Museum, including but not limited to collections care and student learning programs, for fiscal years 2019-2020 and 2020-2021 from \$3,700,000 to \$2,000,000.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 699, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 699, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 645 Labor, Culture and the Arts on S.B. No. 1394

The purpose and intent of this measure is to:

- (1) Establish a historic preservation income tax credit; and
- (2) Appropriate funds for one temporary position to assist with the establishment and administration of the Hawaii historic preservation income tax credit program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Historic Hawai'i Foundation, Minatoishi Architects, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that tax incentives for rehabilitation of historic structures have been proven to be enormously effective in preserving important buildings; ensuring their continued economic viability; revitalizing communities, especially historic downtowns; preserving community character; and promoting heritage tourism. Tax credits for rehabilitation of historic structures also provides an incentive to promote rehabilitation of income producing historic properties and provide affordable housing. Many states already provide tax credits for the rehabilitation of historic structures. National studies have found that historic rehabilitation tax credits spurred economic development and increased direct revenues that offset the tax credit expense. This measure will establish a historic rehabilitation tax credit, which will benefit affordable housing, tourism, neighborhood revitalization, and the economy as a whole.

Your Committee notes that due to the complexity of the proposed historic preservation income tax credit and the amendments proposed by several testifiers at the hearing, your Committee will continue to work with the interested parties and your Committee on Ways and Means in order to craft substantive amendments to better effectuate the intent of this measure.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1394, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1394, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 646 (Joint) Transportation and Judiciary on S.B. No. 1297

The purpose and intent of this measure is to:

- (1) Require an application for motor vehicle registration to include the applicant's name, occupation, address of residence, social security number, date of birth, driver's license number, phone number, electronic mail address, and emergency contacts;
- (2) Authorize the counties to assess a fine to the legal or registered owner of a vehicle deemed abandoned; and
- (3) Require the legal or registered owner to have up-to-date motor vehicle registration and motor vehicle insurance prior to repossession of the abandoned vehicle.

Your Committees received testimony in support of this measure from the Honolulu Police Department and one individual. Your Committees received comments on this measure from Enterprise Holdings.

Your Committees find that abandoned vehicles on public roads are a widespread environmental hazard that creates unsafe and unhealthy conditions for Hawaii's residents and adversely impacts the availability of legal parking in many areas of the State. Your Committees believe that in order to address the rampant issue of individuals abandoning their cars in Hawaii, the State will require more information on the legal or registered owner of vehicles, thereby holding owners more accountable if they abandon their vehicles.

Your Committees recognize the concern regarding the amount of personal information that is being required by this measure and believe that while more information is necessary in order to keep vehicle owners accountable, many residents are uncomfortable with providing highly sensitive information.

Accordingly, your Committees have amended this measure by:

- (1) Removing the requirement of providing an individual's social security number, date of birth, and electronic mail address from the list of personal information needed for registration; and
- (2) Clarifying that the legal or registered owner shall not be fined if the abandoned vehicle has been stolen or taken from the legal or registered owner without permission or authorization, as suggested by Enterprise Holdings.

As affirmed by the records of votes of the members of your Committees on Transportation and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1297, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1297, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Judiciary: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

# SCRep. 647 (Joint/Majority) Transportation and Judiciary on S.B. No. 663

The purpose and intent of this measure is to:

- (1) Establish a Red Light Running Committee to review the photo red light imaging detector systems program;
- (2) Establish the photo red light imaging detector systems program and related procedures;
- (3) Authorize the counties to administer the photo red light imaging detector systems program and require proceeds of fines to be expended in the county from which the fines were collected; and
- (4) Appropriate funds to implement the program.

Your Committees received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Office of the Prosecuting Attorney of the County of Hawaii, Mothers Against Drunk Driving Hawaii, Hawaii Strategic Highway Safety Plan, Bikeshare Hawaii, Blue Zones Project Hawaii, Hawaii Bicycling League, and eleven individuals. Your Committees received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committees received comments on this measure from the Department of Budget and Finance and AAA Hawaii.

Your Committees find that drivers who run a red light endanger the lives of pedestrians, motorists, and the drivers themselves. The prevalence of drivers violating traffic laws in Hawaii has become rampant, especially those who run red lights. Your Committees further find that photo red light imaging detector systems have proven to be efficient and effective in identifying and deterring red light runners in other jurisdictions in Canada, Europe, the United States, and other countries throughout the world. Your Committees believe that a photo red light imaging detector system will improve the safety of all and deter drivers from creating hazardous situations by violating traffic laws.

Your Committees have amended this measure by:

- Requiring that any photographs, microphotographs, videotape, or other recorded images taken and stored by a photo red light
  imaging detector system shall be used only for evidentiary purposes and shall be disposed of or destroyed upon completion of
  final proceedings;
- (2) Reinstating the current monetary penalties for violating the traffic code;
- (3) Removing the appropriation to establish the photo red light imaging detector systems program; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 663, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 663, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, 2 (English, Fevella). Excused, none.

Judiciary: Ayes, 4; Ayes with Reservations (Kim). Noes, 1 (Fevella). Excused, none.

# SCRep. 648 Housing on S.B. No. 771

The purpose and intent of this measure is to establish an income tax credit for taxpayers who lease housing to certain low-income tenants.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the affordable housing crisis in Hawaii extends to the lack of affordable rentals, particularly in high visitor traffic areas. This lack of affordable rentals hurts the quality of service, diminishes Hawaii's appeal in the visitor industry, and stresses the State's infrastructure, due to increased traffic. Your Committee further finds that the lack of affordable rental homes in these areas is also due to the high costs of property ownership, which encourages many landlords to enter into interval or short-term rentals rather than workforce-eligible rentals. This measure provides an economic incentive to make available more immediate affordable housing rentals for workforce-eligible people who are in the most need.

Your Committee notes that the approximately two hundred section 8 recipients are currently searching for housing to rent. Your Committee further notes that this measure may require further discussion about the best mechanism to cap the affordable rental housing income tax credit, whether per eligible unit or per taxpayer. Your Committee also recognizes the concerns regarding the verification process of income and concerns expressed by the Department of Taxation regarding tenants and landlords who are related.

Your Committee has amended this measure by:

- (1) Inserting a blank amount for the maximum amount of tax credits that may be claimed by a taxpayer per taxable year;
- (2) Clarifying the definition of "eligible tenant" to mean a family or an individual whose income is less than thirty percent of the area median income; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 771, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 771, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 649 (Joint) Energy, Economic Development, and Tourism and Housing on S.B. No. 1289

The purpose and intent of this measure is to prohibit the issuance of building permits for new single-family dwellings beginning on January 1, 2022, that do not include a rooftop solar energy generation system, unless the Energy Resources Coordinator has approved a variance.

Your Committees received testimony in support of this measure from 350 Hawaii; We Are One, Inc.; Our Revolution Hawaii; Organizing for Action; Green Power Projects LLC; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; the Alliance for Solar Choice; Ulupono Initiative; Blue Planet Foundation; Hawaii Solar Energy Association; Energy Toolbase; and thirty-nine individuals. Your Committees received testimony in opposition to this measure from the Building Industry Association of Hawaii and Hawaiʻi Association of REALTORS. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; Hawaiian Electric Companies; and two individuals.

Your Committees find that rooftop solar photovoltaics are an important part of Hawaii's one hundred percent renewable energy target. Adding a rooftop solar energy generation system requirement for new, single-family homes will help Hawaii achieve its renewable energy goals. Your Committees also find that adding a solar energy generation system during the construction phase significantly reduces the system installation cost for homeowners, compared to adding solar photovoltaics post-construction. Additionally, solar installation during construction allows home buyers to finance systems at traditional, low mortgage rates. This measure effectively requires new single-family homes to install rooftop solar energy generation systems, thereby helping Hawaii reduce its dependence on nonrenewable energy sources.

Your Committees have amended this measure by:

- (1) Amending one of the conditions for which a variance application may be accepted; more specifically, the amendment increases the maximum life cycle of a new rooftop solar energy generation system, the cost of which must be incorporated into a life cycle cost-benefit analysis that is determined to make installation of the system cost-prohibitive; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1289, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1289, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Inouye, Keohokalole). Noes, none. Excused, none.

Housing: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 650 (Joint) Energy, Economic Development, and Tourism and Government Operations on S.B. No. 664

The purpose and intent of this measure is to:

- (1) Allow state and county agencies to enter into performance contracts to undertake or implement energy conservation or alternate energy measures for vehicles;
- (2) Amend the definition of "energy performance contract" to include vehicles; and
- (3) Define "vehicle".

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Research and Development, Hawaii County; Ulupono Initiative; and three individuals. Your Committees received comments on this measure from the Department of Budget and Finance and League of Women Voters of Hawaii.

Your Committees find that electric and fuel-efficient vehicles require an upfront investment but will prove to be long-term cost savings. This measure allows state and county agencies to enter into energy-performance contracts for electric vehicles, which will allow for the increased use of more efficient, cleaner forms of ground transportation in state and county fleets, ultimately reducing Hawaii's dependence on imported fossil fuels.

Your Committees have amended this measure by:

- (1) Adding a "vehicle fleet" definition;
- (2) Authorizing state and county agencies to enter into performance contracts to undertake or implement energy conservation or alternative energy measures for vehicle fleets, in addition to a single vehicle, and making conforming amendments; and
- (3) Amending the definition of "energy performance contract" to:
  - (A) List vehicle fueling or charging infrastructure as types of energy services and equipment that may be provided under an energy performance contract; and
  - (B) Include avoided operations and avoided fuel as additional types of savings realized by an agency for which a portion of payments may be made to a private sector person under an energy performance contract.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 664, as

amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 664, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

#### SCRep. 651 (Majority) Energy, Economic Development, and Tourism on S.B. No. 380

The purpose and intent of this measure is to impose the transient accommodations tax on resort fees and requires that those fees be included in gross rental or gross rental proceeds.

Your Committee received testimony in opposition to this measure from the Hawai'i Lodging and Tourism Association; Prince Resorts Hawaii; Kohala Coast Resort Association; OLS Hotels and Resorts; Waikoloa Beach Marriott Resort and Spa; Sheraton Kauai Resort; Aqua-Aston Hospitality; Castle Resorts & Hotels; Hampton Inn & Suites Oahu/Kapolei; Maui Hotel & Lodging Association; Hilton Grand Vacations; Outrigger Hospitality Group; Marriott's Maui Ocean Club; Hyatt Resorts Hawaii; Pualeilani Atrium Shops at Hyatt Regency Waikiki Beach Resort & Spa; Hyatt Regency Waikiki Beach Resort & Spa; Moana Surfrider, A Westin Resort & Spa; Outrigger Enterprises Group; Trump International Hotel Waikiki; Marriott Vacations Worldwide; Waikiki Resort Hotel; and Kyo-ya Management Co., Ltd. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii

Your Committee finds that in recent years, the transient accommodations industry has expanded rapidly, especially in tourist destinations such as Hawaii. Although technological advancements have improved the lifestyle for many consumers, they have also introduced issues with tax compliance. Your Committee believes that further refinement and specificity are needed to address the growth of the transient accommodations industry while protecting the interests of state residents.

Your Committee has amended this measure by:

- (1) Amending the definition of "resort fees" to mean only mandatory charges or surcharges; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 380, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 380, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Inouye). Noes, 1 (Fevella). Excused, none.

# SCRep. 652 (Joint) Energy, Economic Development, and Tourism and Water and Land and Government Operations on S.B. No. 908

The purpose and intent of this measure is to establish a statewide sustainability division within the Office of Planning to ensure long-term planning, coordination, and implementation of Hawaii's sustainability goals and policies.

Your Committees received testimony in support of this measure from the Office of Planning, Land Use Commission, Ulupono Initiative, Hawaii Farm Bureau, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one individual.

Your Committees find that under existing law, the Office of Planning is mandated to work with various state agencies to guide the development of the State through comprehensive, long-range, strategic planning efforts, such as coordinating and implementing statewide sustainability goals and policies. As the Office of Planning is tasked with evaluating, analyzing, and developing responses for issues that cross over agency lines, it is uniquely positioned to ascertain primary responses and actions and coordinate divergent groups and resources to effectuate goals and initiatives. Most importantly, as the Office of Planning is tasked with statewide planning, it has the capability to view problems and response needs at a comprehensive level. This measure establishes the sustainability division within the Office of Planning so that Hawaii's sustainability goals and policies can be achieved.

Your Committees have concerns about the number of bills being passed relating to climate change and sustainability that are mandating several agencies to take action, without any accompanying appropriation or staff, and that your Committees need to consider the entire picture as the discussion moves forward this session.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism, Water and Land, and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 908, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 908, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Water and Land: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

# SCRep. 653 (Joint) Energy, Economic Development, and Tourism and Higher Education and Water and Land on S.B. No. 364

The purpose and intent of this measure is to:

- (1) Beginning July 1, 2022, require persons who use the Na Ala Hele trail system for commercial purposes and applicants for new or renewal commercial use permits in state parks, small boat harbors, and ocean recreation management areas; instructor/operator permits; and common carrier certificates and contract carrier permits covering the transportation of passengers to hold and annually maintain a sustainable tourism certificate from the Hawaii Ecotourism Association, achieve and maintain green business recognition by the Hawaii green business program, and ensure that at least one-third of staff members employed by the applicant who have direct contact with visitors are certified as professional tour guides by the University of Hawaii;
- (2) Require the University of Hawaii to update the certification for professional tour guides curriculum and examination, subject to approval by the Aha Moku Advisory Committee, by June 30, 2020, and every ten years thereafter; and
- (3) Require recertification and renewal of certification for professional tour guides every two years.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Hawai'i Tourism Authority, and one individual. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Public Utilities Commission; University of Hawai'i System; and Hawaii Transportation Association.

Your Committees find that this measure is intended to promote tourism while protecting Hawaii's natural resources, perpetuating Hawaii's history, and preserving a high quality of life for Hawaii's residents. Your Committees have heard concerns raised in testimony about the unintentional impact on tourism that the proposed requirements for permits for commercial purposes in the state park system and in the Na Ala Hele trail system may have. Your Committees understand these concerns and note that establishing a task force to examine all factors surrounding professional tour guide certification is necessary before any statutory and regulatory changes are implemented.

Accordingly, your Committees have amended this measure by deleting its contents and inserting contents that:

- (1) Establish a professional tour guide certification task force within the Office of the Lieutenant Governor;
- (2) Require the task force to examine various issues related to professional tour guide certification;
- (3) Require the task force to submit a preliminary report and final report to the Legislature;
- (4) Appropriate funds for the task force's work; and
- (5) Make the measure effective on July 1, 2019.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism, Higher Education, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 364, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 364, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chairs and Vice President on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kidani).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

# SCRep. 654 (Joint) Energy, Economic Development, and Tourism and Education on S.B. No. 365

The purpose and intent of this measure is to:

- (1) Require the Department of Business, Economic Development, and Tourism to develop annual regional economic plans for each county to identify regional economic priorities and industry clusters and jobs within those priorities and clusters;
- (2) Require the Workforce Development Council to develop, based on the findings of the regional economic plans, K-16 pathways and programs in each public school, including each public charter school, that prepare students to fill the priority jobs identified in the regional economic plans; and
- (3) Require participating schools to communicate opportunities to enroll in K-16 pathways and qualified internship programs to prepare students for jobs identified by regional economic plans as priorities in each geographical area.

Your Committees received testimony in support of this measure from the Workforce Development Council, State Public Charter School Commission, Chamber of Commerce Hawaii, HawaiiKidsCAN, W.A.V.E. Hawaii'i Kids Can, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii'i, and eight individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; State Procurement Office; Department of Education, Executive Office on Early Learning; and University of Hawaii'i System.

Your Committees find that technological advancements in automation and artificial intelligence will reshape the State and global economy and future generations must possess adaptability and skills to be successful in this new future economy. Your Committees also find that the State must develop a strategic, forward-looking approach toward work-based learning. This measure requires the Department of Business, Economic Development, and Tourism to develop annual regional economic plans for each county that will be used by the Workforce Development Council, Department of Education, and the University of Hawaii to provide K-16 pathways and internship programs in each public school, including each public charter school, thereby encouraging and fostering the education and future professional success of Hawaii's children in an ever-changing technology-influenced economy.

Your Committees have amended this measure by:

- (1) Exempting internship placements made within a qualified internship program, rather than all aspects of a qualified internship program, from the Hawaii procurement code; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 365, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 365, S.D. 1, and be referred to your Committees on Public Safety, Intergovernmental, and Military Affairs and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

Education: Ayes, 5. Noes, none. Excused, none.

## SCRep. 655 (Joint) Energy, Economic Development, and Tourism and Government Operations on S.B. No. 997

The purpose and intent of this measure is to expand the powers and duties of the Stadium Authority to develop the stadium property and establish a stadium complex area development plan.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services and Stadium Authority Board.

Your Committees find that the age of the existing Aloha Stadium makes it expensive and labor-intensive to maintain. Your Committees further find that preliminary plans have been proposed to demolish the existing stadium and construct a new stadium facility in its place, which will include mixed use development of the entire Aloha Stadium site. This measure provides flexibility to the Stadium Authority to enable it to undertake redevelopment of the stadium area more efficiently.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 997 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 656 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.B. No. 1380

The purpose and intent of this measure is to:

- (1) Require the Hawaii 2050 Sustainability Plan to serve as the State's climate and sustainability action plan;
- (2) Require and appropriate funds for the Office of Planning to update and submit the Hawaii 2050 Sustainability Plan to the Legislature prior to the Regular Session of 2021; and
- (3) Transfer the responsibility of updating the Hawaii 2050 Sustainability Plan every ten years from the Office of the Auditor to the Office of Planning.

Your Committees received testimony in support of this measure from the Office of Planning, Hawaii Farm Bureau, Ulupono Initiative, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Maui Chamber of Commerce, Design Thinking Hawaii, and two individuals.

Your Committees find that climate change poses an immediate and long-term threat to Hawaii's economy, sustainability, security, and quality of life. The Hawaii 2050 Sustainability Task Force was established in 2005, convening a diverse group of leaders throughout the State and incorporating community input that resulted in the Hawaii 2050 Sustainability Plan and enacted in 2008, which sought to coordinate the actions needed to sustain a growing and vibrant economy while maintaining a high quality of life for all residents and visitors.

Your Committees further finds that much has changed since 2008 and an updated Hawaii 2050 sustainability plan is needed. This measure requires the Office of Planning to conduct a ten-year update of the Hawaii 2050 sustainability plan, thereby allowing the State to further the Hawaii Climate Change Mitigation and Adaptation Initiative and maintain the quality of life in Hawaii despite the adverse effects of climate change.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1380 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 657 Water and Land on S.B. No. 931

The purpose and intent of this measure is to prohibit all commercial capture of aquatic life for aquarium purposes, regardless of the method of collection, and allow the following practices to continue:

(1) Issuance of special activity permits pursuant to section 187A-6, Hawaii Revised Statutes;

- (2) Issuance of recreational permits for non-commercial capture of aquatic life for aquarium purposes, in accordance with existing laws and rulings regarding compliance with environmental assessments;
- (3) Captive-breeding and aquaculture efforts, as regulated by section 187A-3.5, Hawaii Revised Statutes; and
- (4) The exercise of traditional and customary practices, the lawful taking of fish for consumption or bait, and the lawful management or taking of aquatic life from fishponds.

Your Committee received testimony in support of this measure from Friends of Hanauma Bay, Moana Ohana, The Humane Society of the United States, West Hawaii Humane Society, Hawaii Reef and Ocean Coalition, Young Progressives Demanding Action, Free Access Coalition, Live Freyly Sanctuary, For the Fishes, Animal Rights Hawaii, Ho'omanapono Political Action Committee, Maui Land & Water Planning LLC., Kihei Community Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, Center for Biological Diversity, Sierra Club Moku Loa Group, Surfrider Foundation, Keiko Conservation, and over two hundred fifty individuals. Your Committee received testimony in opposition to this measure from the Hunting, Farming, and Fishing Association; Marine Conservation Science Institute; Tropical Fish Emporium LLC; Association of Zoos and Aquariums; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; Hawaii Tropical Fish Association; Hawaiian Reefdwellers; The Shark Reef; Pet Industry Joint Advisory Council; and over fifty-six individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that it is important for the State to have an unbiased environmental impact statement and comprehensive cultural assessment on the impacts of aquarium fishing on the natural resources and culture of Hawaii before lawmakers can make any long-term decisions regarding the aquarium fishing industry. Your Committee finds that to allow the commercial trade to continue in a manner that adversely impacts marine resources would be contrary to effective marine resource management and traditional Hawaiian practices.

Your Committee has amended this measure by:

- (1) Limiting the prohibition on harvesting aquatic life for commercial aquarium purposes to only harvesting that is done by using a fine-mesh net or fine-mesh trap in any state marine waters, with certain exceptions, and extending this prohibition to persons operating under a commercial marine license;
- (2) Inserting language to prohibit any person from possessing a fine-mesh net or fine-mesh trap on their person or within a vessel within state marine waters or on or about the shore where fish can be taken, and impose a \$5,000 fine for a violation;
- (3) Defining "fine-mesh" as the rhombic (diamond-shaped) opening enclosed by four bars of twines or equal length at the four corners where the opening is less than three centimeters measured between corners when the mesh is stretched;
- (4) Inserting language to require the Research Corporation of the University of Hawaii (RCUH) to prepare an environmental impact statement to evaluate the impacts of the Department of Land and Natural Resources' issuance of commercial aquarium permits on Oahu and West Hawaii;
- (5) Inserting language to require the RCUH to complete a comprehensive cultural impact assessment in coordination with the Office of Hawaiian Affairs and Native Hawaiian organizations, including but not limited to the Aha Moku Advisory Committee and Hunting, Farming, and Fishing Association;
- (6) Requiring the RCUH to submit a progress report to the Legislature no later than twenty days prior to the Regular Session of 2020.
- (7) Requiring the Governor to be the accepting authority and to accept the environmental impact statement no later than twenty days prior to the Regular Session of 2021; and
- (8) Inserting language to require the Department of Land and Natural Resources to establish a marine aquarium fishing advisory group to guide the RCUH and Office of Hawaiian Affairs toward completion of the environmental impact statement and cultural impact assessment;
- (9) Amending section 1 to reflect its amended purpose;
- (10) Inserting an appropriation of \$500,000;
- (11) Changing the effective date to July 1, 2019;
- (12) Inserting a repeal date of June 30, 2021; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 931, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 931, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 658 (Joint) Water and Land and Government Operations on S.B. No. 1138

The purpose and intent of this measure is to transfer jurisdiction and management of the parking lot surrounding Iolani Palace from the Department of Accounting and General Services to the Department of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committees received comments on this measure from the Department of Accounting and General Services and one individual.

Your Committees find that Iolani Palace is a state monument administered by the Division of State Parks of the Department of Land and Natural Resources, who regulates and manages the various special use activities and events of the adjacent four quadrants that comprise the grounds surrounding the buildings. The Friends of Iolani Palace manage and operate Iolani Palace, Iolani Palace Barracks, and the Coronation Pavilion under a lease executed by the Department of Land and Natural Resources. The Department of Accounting and General Services performs all of the grounds and tree maintenance functions and manages the parking areas surrounding the Palace. Your Committees further find that there have been ongoing discussions between the agencies to remove the current parking infrastructure and resurface the asphalt into a condition that is more aesthetically and historically appropriate for the ambiance of the grounds to add sanctity to the Iolani Palace experience.

Your Committees have amended this measure by clarifying that the Department of Land and Natural Resources shall assume jurisdiction and management over lands on which the parking lot surrounding Iolani Palace is situated.

Your Committees request that the Department of Land and Natural Resources and Department of Accounting and General Services continue operating under the existing memorandum of understanding until the Department of Land and Natural Resources completes the rulemaking process regarding rules for long-term parking options on or adjacent to the Iolani Palace grounds, with a deadline goal of December 31, 2020.

As affirmed by the records of votes of the members of your Committees on Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1138, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1138, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 4. Noes, none. Excused, 1 (Riviere). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 659 Commerce, Consumer Protection, and Health on S.B. No. 1033

The purpose and intent of this measure is to:

- (1) Establish licensure of midwives, including scope of practice, professional code of conduct, continuing education requirements, and prescriptive drug authority;
- (2) Appropriate funds from the compliance resolution fund; and
- (3) Exempt traditional birth attendants and Native Hawaiian healers from licensure requirements.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Hawai'i Pacific Health; Hawaii Women's Coalition; AAUW of Hawaii; Hawaii Section of the American College of Obstetricians and Gynecologists; Hawai'i Children's Action Network; Midwives Alliance of Hawaii; Breastfeeding Hawaii; Hawai'i Affiliate of the American College Nurse-Midwives; Hawaii Maternal and Infant Health Collaborative; Committee on Midwife Advocates for the Certified Midwife of the American College of Nurse-Midwives; Early Childhood Action Strategy; American Academy of Pediatrics, Hawaii Chapter; and over forty individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Midwifery Council; Hawai'i Homebirth Collective; Hawaii Home Birth Committee; Sacred Healing Arts; Aoki Birthing Care, LLC; Informed Choice Birth Services; Little Hands of Hawaii; and over one hundred individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Health, Kapi'olani Medical Center for Women and Children, Healthy Mothers Healthy Babies, Young Progressives Demanding Action, Kaiser Permanente Hawai'i, and one individual.

Your Committee finds that there is growing public concern over non-credentialed and uncertified individuals calling themselves "midwives" who have been allowed to market themselves and provide midwifery services as a business. The State Auditor conducted a sunrise analysis for the licensure of midwives in 2017, which concluded that regulation of this field is needed to provide for standardized qualification requirements as well as regulatory oversight. Even low-risk pregnancies can quickly, within a few minutes or even seconds, become high-risk pregnancies. Hawaii is one of seventeen states that does not license or regulate midwives, leaving women in Hawaii with no way of telling who is certified to do a community birth and who is not.

This measure protects the health and safety of women and unborn infants and is not a prohibition on a woman's ability to choose the birth attendant of her choice; it is about licensure of a profession. Licensure will provide consumers with increased access to midwifery care from providers who are skilled professional midwives. Through licensure, midwives will be able to work to their fullest scope and within a collaborative health care system. It is vital that all women have access to safe, qualified, highly skilled providers in all aspects of the birthing process.

- (1) Establishing a single licensure scheme for the licensure of midwives and removing language that would have established a dual licensure pathway;
- (2) Updating definitions;
- (3) Clarifying that the powers and duties of the Director of Commerce and Consumer Affairs (Director) include the authority to grant title protection to certified professional midwives;
- (4) Clarifying the composition of the advisory committee that may be appointed by the Director to assist with the implementation of the licensed midwife program;
- (5) Clarifying certain time frames regarding licensure, including:
  - (A) Specifying that the Director may accept applications for licensure beginning on July 1, 2019;

- (B) Permitting the Director to grant provisional licenses to persons who have satisfied licensing requirements but have not yet acquired a license and specifying that a provisional license shall expire on January 1, 2024, or upon a person receiving full licensure, whichever is sooner; and
- (C) Specifying that all persons engaged in the practice of midwifery as required by this measure shall be licensed by January 1, 2024;
- (6) Clarifying exemptions from licensure;
- (7) Authorizing the Director to establish fees by rule for purposes of the licensed midwife program;
- (8) Clarifying requirements for application for licensure as a certified professional midwife;
- (9) Specifying that the first triennial renewal date for licensure shall be June 30, 2027;
- (10) Clarifying the grounds for refusal to renew, reinstate, or restore a license and for revocation, suspension, denial, or condition of a license;
- (11) Requiring current midwives to register with the Director, specifying the information that must be provided to the director; and setting the date for full licensure of all current midwives as January 1, 2024;
- (12) Removing language that would have established scope of practice for midwives, certified midwives, and certified professional midwives; requirements for care provided by licensed midwives; continuing education requirements; unprofessional conduct standards; global signature authority; penalties; and prescriptive authority and associated limitations;
- (13) Deleting language that would have repealed the licensed midwife program established by this measure on June 30, 2025;
- (14) Updating the purpose section;
- (15) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1033, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1033, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 660 Energy, Economic Development, and Tourism on S.B. No. 1530

The purpose and intent of this measure is to:

- (1) Establish the stadium development district for development purposes;
- (2) Require that any state development in the district obtain a permit from the Hawaii Community Development Authority (HCDA);
- (3) Appropriate funds to establish and development the stadium development district for public use; and
- (4) Authorize the issuance of various bonds to establish the stadium development district and build a new stadium.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of Planning and Permitting and Aloha Stadium. Your Committee received comments on this measure from the Department of the Attorney General, Executive Director of the Hawaii Community Development Authority (HCDA), and League of Women Voters of Hawaii.

Your Committee finds that there exists vast, unmet community development needs that HCDA may address through its community development districts. Significant planning and public outreach has occurred on specific projects to revitalize many areas of the State, including the land under the jurisdiction of the Stadium Authority and Department of Accounting and General Services. Your Committee further finds that the redevelopment of lands under the jurisdiction of the Stadium Authority and Department of Accounting and General Services could benefit from HCDA administering such a project. This measure establishes the stadium development district under the jurisdiction of HCDA to expedite the redevelopment of Aloha Stadium and the surrounding properties to bring economic development to an area that is in need of renewal, renovation, and improvement.

- (1) Inserting findings and specifying that the purpose of this measure is to establish the stadium development district under the jurisdiction of HCDA to expedite the redevelopment of Aloha Stadium and the property around it;
- (2) Inserting additional findings relating to the need to expeditiously redevelop the stadium development district;
- (3) Clarifying the definition of "executive director";
- (4) Specifying that the Executive Director of HCDA, rather than the Stadium Authority, shall facilitate the development of all property belonging to the State within the stadium development district;
- (5) Specifying that the development within the stadium development district shall be consistent with the Aloha Stadium Conceptual Redevelopment Report dated February 23, 2017, in addition to any county transit-oriented development plans;

- (6) Inserting language that allows the boundary of the stadium development district to be expanded to contiguous land, upon written request of the Executive Director of HCDA and proclamation of the Governor; provided that the Legislature may reject the expansion of the district by adoption of a concurrent resolution;
- (7) Specifying that, with approval of the Governor, the Executive Director of HCDA may modify and make changes to a transitoriented development plan and the Aloha Stadium Conceptual Redevelopment Report with respect to the stadium development district to respond to changing conditions or needs, under certain conditions;
- (8) Inserting language that requires the Executive Director of HCDA to issue a solicitation and select a vendor for the stadium development district;
- (9) Specifying that the Executive Director of HCDA may engage in planning, design, and construction activities within and outside the stadium development district, under certain conditions;
- (10) Inserting language that allocates revenues generated by the stadium development district in excess of the amount needed to maintain the stadium into the Hawaii community development revolving fund and stadium special fund;
- (11) Adding and removing certain development guidelines for the development of the stadium property;
- (12) Inserting language that allows the Executive Director of HCDA, under written request to and proclamation by the Governor, to adopt rules to be followed during the development within the district;
- (13) Inserting language that authorizes the Department of Land and Natural Resources to give written concurrence on any project in the stadium development district based on a phased review;
- (14) Inserting language that exempts the Executive Director of HCDA and others from the prohibition of HCDA to assign certain powers and duties as it relates to the stadium development district;
- (15) Inserting language that exempts the stadium development district from designation and community development plan requirements under section 206E-5, Hawaii Revised Statutes; and
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1530, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1530, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 661 (Joint) Agriculture and Environment and Judiciary on S.B. No. 1353

The purpose and intent of this measure is to authorize the Department of Agriculture to permanently establish the industrial hemp program to license individuals to cultivate industrial hemp in the State.

Your Committees received testimony in support of this measure from the Department of Agriculture; We Are One, Inc.; Mana Artisan Botanics Inc.; Vespucci Collective Inc.; Aina Hoʻokupu o Kilauea; The Libertarian Party of Hawaii; Hawaii Center for Food Safety; Hawaii Alliance for Progressive Action; Hawaii Farm Bureau; Hawaii Hemp Farmers Association; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Beyond Pesticides; Our Revolution Hawaii; Aloha Hemp Company; and twelve individuals. Your Committees received testimony in opposition from Hoʻomanapono Political Action Committee. Your Committees received comments on this measure from the Department of Budget and Finance and Drug Policy Forum of Hawaii.

Your Committees find that Act 228, Session Laws of Hawaii 2016, established an industrial hemp pilot program to allow the cultivation of industrial hemp and distribution of its seed in Hawaii through limited activities by licensee-agents of the board of agriculture for purposes of agricultural or academic research. On December 20, 2018, the 2018 Farm Bill was signed into law, which included removal of industrial hemp from the schedule I controlled substance list.

Your Committees therefore find that this legalization of industrial hemp has paved the way for Hawaii to further develop its industrial hemp program.

- Inserting contents from the related hemp bill, SB 1335, to require that the Department of Agriculture prepare and submit a
  proposed State plan to the United States Department of Agriculture to monitor and regulate hemp production in the State;
- (2) Allowing the industrial hemp pilot program to repeal on its intended date of June 30, 2021, instead of repealing the program on July 1, 2019;
- (3) Giving the Department of Agriculture interim rule-making authority that will allow the Department of Agriculture to make necessary changes as the United States Department of Agriculture guidelines are yet to be promulgated;
- (4) Authorizing the Department of Agriculture to set acreage limits and limit the number of licenses issued annually for the industrial hemp program and pilot program;
- (5) Creating certain exemptions to the prohibition on transportation of the resin, flowering tops, and leaves removed from a hemp plant:
- (6) Removing the lifetime felon ban to allow those who have not had a felony in the previous ten years to participate in the industrial hemp program;

- (7) Establishing a separate industrial hemp special fund for the permanent industrial hemp program; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1353, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1353, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 662 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism and Water and Land on S.B. No. 1529

The purpose and intent of this measure is to:

- (1) Establish the Hawaii Energy and Climate Change Office;
- (2) Make the Hawaii Climate Change Mitigation and Adaptation Commission permanent and transferring it from the Department of Land and Natural Resources to the Department of Business, Economic Development, and Tourism;
- (3) Establish a new position, the Deputy Director of Energy and Climate Change, who shall serve as the Energy Resources Coordinator:
- (4) Repeal the energy security special fund and ends funding for the Hawaii Clean Energy Initiative from the energy security special fund; and
- (5) Appropriate funds from the general fund for the Hawaii Energy and Climate Change Office.

Your Committees received testimony in support of this measure from the Hawaii Farmers Union, Sierra Club of Hawaii, and one individual. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of Business, Economic Development, and Tourism.

Your Committees find that climate change is a major threat to the economy, environment, and overall well-being of the State. Your Committees further find that this measure consolidates various state entities involved in furthering the State's goals of resiliency and self-sufficiency in an effort to pool their resources and focus their efforts.

Your Committees have amended this measure by:

- (1) Changing the name "Hawaii Energy and Climate Change Office" to the "Hawaii State Energy Office";
- (2) Changing the position title "Deputy Director of Energy and Climate Change" to the "Deputy Director of Energy";
- (3) Deleting language that would have transferred the energy feedstock program from the Department of Agriculture to the Department of Business, Economic Development, and Tourism;
- (4) Requiring the Energy Resources Coordinator to formulate, analyze, and recommend evaluation metrics;
- (5) Requiring the Energy Resources Coordinator to assess incentive programs and report to the Governor and the Legislature on their effectiveness and necessity annually;
- (6) Reinstating the administrative placement and membership of the Hawaii Climate Change Mitigation and Adaptation Commission in existing law but replacing the Director of Business, Economic Development, and Tourism with the Deputy Director of Energy as a member of the Commission;
- (7) Removing language that would have transferred all rights, powers, functions, duties, documents, personal property, and policies and procedures of the Hawaii Climate Change Mitigation and Adaptation Commission from the Department of Land and Natural Resources to the Department of Business, Economic Development, and Tourism, and preserved the civil service status of any employees transferred;
- (8) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Energy, Economic Development, and Tourism, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1529, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1529, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Rhoads, Ruderman). Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Inouye, Fevella). Noes, none. Excused, none.

Water and Land: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

## SCRep. 663 Energy, Economic Development, and Tourism on S.B. No. 1163

The purpose and intent of this measure is to replace the current renewable energy technologies income tax credit with tax credits for solar energy systems, wind energy systems, and energy storage systems.

Your Committee received testimony in support of this measure from Honolulu Seawater Air Conditioning, LLC; Clearway Energy Group; Tesla; Adon Construction Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual. Your Committee received testimony in opposition to this measure from The Alliance for Solar Choice. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, and Hawaiian Electric Companies.

Your Committee finds that Hawaii has some of the highest living costs in the country. Families with lower incomes or on fixed incomes can be especially burdened by high energy costs, so initiatives to make renewable energy generation more financially feasible have the potential to help families who are in greater need of assistance. In addition, Hawaii's efforts to reduce its reliance on fossil fuels are well served by incentives such as the renewable energy technologies income tax credit.

This measure replaces the renewable energy technologies income tax credit with separate tax credits for solar energy systems, wind energy systems, and energy storage systems and further subdivides solar energy systems into systems used exclusively to heat water and systems used primarily to generate electricity. This measure also gradually ramps down the tax incentives for the systems allowed tax credits, in recognition of the reduced need for these types of incentives as the State nears accomplishment of its energy efficiency goals.

Your Committee finds that certain amendments to this measure are necessary to ensure that the tax incentives are only applicable to solar energy systems connected to the electric grid, ramp down the credit more quickly and frequently, and remove incentives for energy storage systems, in order to balance the incentives against the financial interests of the State and taxpayers and to ensure that the enhanced incentives provide the greatest benefit to families at lower incomes or on a fixed income.

Your Committee has amended this measure by:

- (1) Specifying that the tax credit only applies to solar energy systems and wind energy systems that are grid-connected;
- (2) Adding a credit cap for multi-family residential property classified as low-income, affordable housing, or senior housing at \$700 per unit per grid-connected solar energy system;
- (3) Reducing the solar energy systems single-family residential credit from \$5,000 to \$2,500;
- (4) Reducing the solar energy systems commercial property credit from \$500,000 to \$250,000 per system;
- (5) Adding a credit of \$750,000 per utility scale solar energy system providing electricity to an electric utility under a power purchase agreement and approved by the public utilities commission;
- (6) Allowing the credit to also be claimed for commercial seawater air conditioning systems and making related conforming amendments:
- (7) Making the credit no longer available in taxable years ending after December 31, 2026;
- (8) Increasing the rate of the ramp down of credits for solar energy systems;
- (9) Removing the credit for energy storage systems;
- (10) Specifying that a credit for certain solar energy systems for commercial properties shall take effect upon the measure taking effect; and
- (11) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1163, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1163, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 664 (Joint) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health on S.B. No. 1292

The purpose and intent of this measure is to:

- (1) Amend the definition of "transient accommodations" to include other forms of transient accommodations and other terms that the counties may have defined;
- (2) Make it unlawful for transient accommodations brokers to engage in business with operators or plan managers or property managers or activity providers that are not in compliance with all state laws and county ordinances;
- (3) Make it unlawful for a hosting platform to provide, and collect a fee for, booking services regarding transient accommodations that are not lawfully certified, registered, or permitted under applicable county ordinance;
- (4) Require anonymous, periodic reports by operators and plan managers to the Department of Taxation of transient accommodations listings;

- (5) Require hosting platforms to maintain identifying information on all transient accommodations and to make the information available to enforcement officials upon request;
- (6) Enable a transient accommodations broker to register as a tax collection agent with respect to transient accommodations taxes and general excise taxes for its operators and plan managers; and
- (7) Require an operator or plan manager to remove a transient accommodation advertisement upon notice that the property is not in compliance with state law or county ordinance.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Hawai'i Tourism Authority; City and County of Honolulu Department of Planning and Permitting; one member of the Maui County Council; Maui Chamber of Commerce; Hawai'i Lodging & Tourism Association; Prince Resorts Hawaii; Kohala Coast Resort Association; OLS Hotels & Resorts; Waikoloa Beach Marriott Resort and Ocean Club; Hyatt Regency Waikiki Beach Resort & Spa; Moana Surfrider, A Westin Resort & Spa; Outrigger Hospitality Group; Outrigger Enterprises Group; Trump International Hotel Waikiki; Marriott Ko Olina Beach Club; Waikiki Resort Hotel; Kyo-ya Management Co., Ltd.; Sheraton Kauai Resort; Castle Resorts & Hotels; Hampton Inn & Suites Oahu/Kapolei; Maui Hotel & Lodging Association; Marriott's Maui Ocean Club; Hyatt Resorts Hawaii; and four individuals. Your Committees received testimony in opposition to this measure from Airbnb. Your Committees received comments on this measure from the Department of the Attorney General; Department of Taxation; Office of Information Practices; Office of the Mayor of the County of Kauai; Rental By Owner Awareness Association; Tax Foundation of Hawaii; and Expedia Group.

Your Committees find that under certain circumstances, allowing a private person to act as a tax collection agent is likely to ease the burden of collecting taxes. Section 237-9(e), Hawaii Revised Statutes, allows a person engaged in network marketing, multi-level marketing, or other similar business to enter into an agreement with the department of taxation to act as a tax collection agent on behalf of its direct sellers. Your Committees find that similarly allowing a transient accommodations broker to act as a tax collection agent on behalf of providers of transient accommodations that utilize the services of the transient accommodations broker may facilitate the collection of transient accommodations taxes and general excise taxes.

Your Committees also find that hosting platforms, such as Airbnb, should be subject to fines if the hosting platform collects a booking service fee for posting online a transient accommodations unit rental that is not registered with its respective county and the transient accommodations broker does not post the transient accommodations' registration identification number in the rental listing.

Your Committees additionally find that transient accommodations operators or plan managers should periodically report transient accommodations listings in Hawaii to the Department of Taxation, and maintain records that should be made available upon lawful request to enforcement authorities, for greater transparency and data sharing purposes.

Your Committees have amended this measure by:

- Removing language that would have made it unlawful for transient accommodations brokers to engage in business with
  operators or plan managers who are not in compliance with all state laws and county ordinances;
- (2) Deleting part III and replacing it with language to make it unlawful for a hosting platform to provide booking services and collect a fee for those services provided in connection with transient accommodations located in the State if the operator is not registered with the Department of Taxation;
- (3) Inserting language to establish additional options, such as judicial review, for counties to obtain relief for violations of county ordinances or rules, and to specify that where a county seeks injunctive relief for violations related to single-family transient vacation rental units, the county need not show irreparable injury;
- (4) Amending the items that must be conspicuously shown on any advertisement for a transient accommodation or resort time share vacation interest, plan, or unit, and authorizing the Department of Taxation to issue citations to platform hosts and booking services who violate the advertisement requirements;
- (5) Repealing the criminal penalties for failing to register as an operator or plan manager when required to do so under the transient accommodations tax law:
- (6) Requiring transient accommodations brokers, platform hosts, and booking services, rather than operators and plan managers, to provide an anonymous, monthly report of transient accommodations listings to the Department of Taxation, specifying the form in which the data must be submitted and which data must be included, and establishing a penalty of \$100 per day for non-compliance;
- (7) Removing language that would have required hosting platforms to maintain identifying information on all transient accommodations;
- (8) Amending the confidentiality provisions relating to general excise tax and transient accommodations tax returns and other information provided by registered tax collection agents;
- (9) Amending the information required to be provided by operators and plan managers regarding compliance with state and county laws and imposing the requirements on platform hosts and booking services, in addition to transient accommodations brokers;
- (10) Amending the definition of "booking service" to include advertising services; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1292, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1292, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 665 (Joint) Technology and Government Operations on S.B. No. 218

The purpose and intent of this measure is to:

- (1) Require the Hawaii Technology Development Corporation to establish a public-private partnership, exempt from the state procurement code and other certain state and county requirements, with a private organization to plan, build, and manage key strategic broadband infrastructure and attract cloud based companies to Hawaii; and
- (2) Appropriate funds to the Hawaii Technology Development Corporation to establish an open access, carrier neutral cable landing station to support the Hawaii broadband initiative.

Your Committees received testimony in support of this measure from the Cable Television Division of the Department of Commerce and Consumer Affairs; Department of Education; Department of Business, Economic Development, and Tourism; Hawaii Technology Development Corporation; Oahu Economic Development Board; Hawaiian Electric Companies; Oceanit Laboratories, Inc.; American Council of Engineering Companies of Hawaii; and Ocean Networks. Your Committees received testimony in opposition to this measure from the State Procurement Office. Your Committees received comments on this measure from Hawaiki Submarine Cable USA LLC.

Your Committees find that Hawaii needs to better address critical broadband infrastructure in the State by establishing an open access, carrier neutral cable landing station to attract installers of transpacific fiber optic cables and expand Hawaii's connectivity around the world, which will establish Hawaii as a key player in the global broadband market and address the need for better broadband connection. Your Committees further find that the timing for an open access, carrier neutral cable landing is critical due to various federal and private contracts that are available to Hawaii.

Your Committees have amended this measure by:

- (1) Deleting language that would have exempted the public-private partnership from the public procurement code and certain other state and county requirements;
- (2) Inserting a blank appropriation amount;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 218, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 218, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Wakai).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

# SCRep. 666 Ways and Means on S.B. No. 1471

The purpose and intent of this measure is to authorize the issuance of \$500,000 in general obligation bonds for the County of Maui to plan and develop transportation improvements for the corridor connecting Wailuku and Kahului.

Your Committee received testimony in support of this measure from the Office of Planning, the County of Maui Department of Transportation, and two individuals.

Your Committee finds that improved transportation will create greater access to jobs and services throughout the county of Maui.

Your Committee has amended this measure by:

- Changing the amounts authorized and appropriated for the capital improvement project from \$500,000 to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1471, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1471, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kidani, Taniguchi).

## SCRep. 667 Ways and Means on S.B. No. 935

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for water reuse systems in the State.

Specifically, this measure authorizes the issuance of general obligation bonds and makes appropriations of \$235,000 for installation of a greywater reuse project at Launiupoko Beach Park and \$750,000 for a dual piping irrigation system at Kealakehe Wastewater Treatment Facility, with a total appropriation of \$985,000.

Your Committee received testimony in support of this measure from the Department of Health, County of Hawaii Department of Environmental Management, The Nature Conservancy of Hawaii, Hawaii Community Foundation, and One World One Water, L.L.C.

Your Committee finds that water reuse projects help to ensure the State's long-term water security.

Your Committee has amended this measure by:

- (1) Substituting Kanaha Beach Park for Launiupoko Beach Park as the subject for the expenditure of appropriated funds;
- (2) Changing all appropriations to unspecified amounts; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 935, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 935, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kidani, Taniguchi).

# SCRep. 668 Ways and Means on S.B. No. 77

The purpose and intent of this measure is to amend the law relating to capital improvement projects.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with an appropriation of funds to the Department of Budget and Finance for the Ala Wai flood risk management project.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 77, as amended herein, and recommends that it be recommitted to your Committee on Ways and Means, in the form attached hereto as S.B. No. 77, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Kahele, Riviere, Shimabukuro, Taniguchi).

#### SCRep. 669 Ways and Means on S.B. No. 301

The purpose and intent of this measure is to disallow the deduction for dividends paid by real estate investment trusts.

Your Committee received testimony in support of this measure from Americans for Democratic Action; Church of the Crossroads; Faith Action for Community Equity; Hawaii Advocates For Consumer Rights; Hawaii Alliance for Progressive Action; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Foodservice Alliance LLC; Housing Now Coalition; IMUAlliance; Kairos Energy Capital; League of Women Voters of Hawaii; Sierra Club of Hawaii; UNITE HERE, Local 5; We Are One, Inc.; and numerous individuals.

Your Committee received testimony in opposition to this measure from Alexander & Baldwin; American Assets Trust; BlackSand Capital; Brookfield Properties; Douglas Emmett, Inc.; Hawaii Association of REALTORS; Host Hotels & Resorts, Inc.; Kobayashi Group; Land Use Research Foundation of Hawaii; The MacNaughton Group; NAIOP Hawaii; Nareit; Park Hotels & Resorts Inc.; Public Storage; Taubman Centers; and numerous individuals.

Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, and one individual.

Your Committee finds that section 857(b)(2)(B) of the Internal Revenue Code allows real estate investment trusts to deduct from their taxable income the amount of dividends paid to their shareholders. As a result, this income is only taxed in the state where a shareholder resides, rather than the state where the income-generating property is located. Your Committee further finds that this measure disallows the dividends paid deduction and subjects dividends paid by real estate investment trusts to the same tax treatment as dividends paid by other corporations.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 301, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 301, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

# SCRep. 670 Ways and Means on S.B. No. 396

The purpose and intent of this measure is to facilitate the collection of general excise and use taxes.

More specifically, this measure requires that marketplace facilitators be considered the sellers of tangible personal property and that other sellers who provide a forum for listing tangible personal property for sale report certain information about the purchasers to the Department of Taxation.

Your Committee received testimony in support of this measure from the Department of Taxation and Retail Merchants of Hawaii.

Your Committee received comments on this measure from the Tax Foundation of Hawaii and Amazon.

Your Committee finds that it would be in the State's best interest to ensure a smooth transition for the tax collections required by this measure and to eliminate the need for unnecessary disputes by requiring that marketplace facilitators guarantee certain collection thresholds during the implementation period. Therefore, your Committee recommends that the Department of Taxation create an implementation plan for the provisions of this measure, but defers to the expertise of the department with regard to the details of that plan.

Your Committee has amended this measure by:

- (1) Expanding the scope of the measure to include sales of intangible property and services;
- Clarifying the definition of marketplace facilitator to include persons who collect payment from a purchaser either directly or indirectly through an agreement with a third party; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 396, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 396, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

#### SCRep. 671 Ways and Means on S.B. No. 855

The purpose and intent of this measure is to specify that certain provisions of the Internal Revenue Code related to at-risk rules and deductions and to passive activity loss do not apply with respect to claims for the state low-income housing tax credit.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals. Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that because the low-income housing tax credit law incorporates the Internal Revenue Code provisions that relate to at-risk rules and passive activity loss rules, it attracts only a small pool of investors. By amending the law to specify that the tax credit shall not be subject to those Internal Revenue provisions, the universe of potential investors is expected to increase, thereby creating a positive cycle of reinvestment into the local economy.

Your Committee has amended this measure by:

- (1) Adopting specific clarifying language proposed by the Department of Taxation regarding the maximum amount of the state tax credits that may be allocated for a qualified low-income building; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 855, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 855, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

## SCRep. 672 Ways and Means on S.B. No. 1268

The purpose and intent of this measure is to revise the reporting requirements for persons who collect rent or gross rental proceeds on behalf of real property owners and transient accommodation operators and to require that the full amount of the funds collected be reported to the Department of Taxation.

Further, this measure establishes fines for persons who fail to comply with the reporting requirements.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received testimony in opposition to this measure from Expedia.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that state law does not currently penalize persons who do not comply with the reporting requirements of sections 237-30.5 and 237D-8.5, Hawaii Revised Statutes. Your Committee believes that establishing a monetary penalty for failing to file the appropriate information with the Department of Taxation and increasing the information required to be reported will increase compliance and tax collections while reducing administrative costs.

- (1) Inserting a savings clause section;
- (2) Changing the effective date from upon approval to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1268, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1268, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

#### SCRep. 673 Ways and Means on S.B. No. 1360

The purpose and intent of this measure is to require partnerships, estates, and trusts to withhold taxes on the income of nonresident partners and beneficiaries.

Your Committee received comments on this measure from the Department of Taxation, Master Limited Partnership Association, and Tax Foundation of Hawaii.

Your Committee finds that, under current state law, partnerships, estates, and trusts who do business in Hawaii are not required to pay income tax to the State, on the premise that their partners or beneficiaries will pay the state income tax on their distributive shares of the underlying entity's income. Your Committee further finds that the State currently has no means of compelling payment from nonresident partners or beneficiaries who choose not to pay the state income tax on their distributive shares of income.

Your Committee has amended this measure by clarifying how the amount withheld by partnerships, estates, and trust is to be calculated

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1360, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1360, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

#### SCRep. 674 Ways and Means on S.B. No. 1433

The purpose and intent of this measure is to extend the period in which a county may adopt an ordinance to establish a surcharge on state tax

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawaii and the Hawaii County Council.

Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that section 46-16.8(c), Hawaii Revised Statutes, authorizes counties to establish a surcharge on the state general excise and use taxes by adopting an ordinance prior to March 31, 2019. Your Committee further finds that this measure extends the period in which a county may adopt such an ordinance by an additional two years.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1433 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Riviere). Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

#### SCRep. 675 Human Services on S.B. No. 1227

The purpose and intent of this measure is to require the Department of Human Services to use an integrated and multigenerational approach to delivering human services to reduce the incidence of intergenerational poverty and dependence on public benefits.

Your Committee received testimony in support of this measure from the Department of Human Services; Habitat for Humanity Hawaii Island, Inc.; Hawaii Island HIV/AIDS Foundation; Parents and Children Together; and two individuals.

Your Committee finds that the Department of Human Services provides benefits and services to one in four Hawaii residents or nearly 360,000 individuals, including benefits and services relating to homelessness, education, employment, health care, child care, food security, protective services, and vocational rehabilitation. Your Committee further finds that the Department of Human Services is part of a national movement to improve the delivery of human services and is adopting a service integration and multigenerational approach with the intent on reducing intergenerational poverty in the State. This measure requires the Department of Human Services to use an integrated multigenerational service delivery approach, which will refocus the Department of Human Services' efforts to provide available resources and support to reduce the time a child and family spends in poverty, stabilize the child's basic needs and environment to enhance their ability to learn, improve all recipients' economic security, and ultimately reduce intergenerational poverty in Hawaii

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1227 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

#### SCRep. 676 Ways and Means on S.B. No. 1274

The purpose and intent of this measure is to authorize the Department of Taxation to establish by administrative rule the fee amounts for certain permits and licenses issued pursuant to the fuel tax, liquor tax, and cigarette tax and tobacco tax chapters of the Hawaii Revised Statutes

Your Committee received testimony in support of this measure from the Department of Taxation and one individual.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that changing the established fees for certain permits and licenses issued pursuant to the fuel tax, liquor tax, and cigarette tax and tobacco tax chapters of the Hawaii Revised Statutes to reasonable fees adopted by rule by the Department of Taxation will allow greater flexibility to adjust the fee amounts, when necessary, based on inflation or other economic or public interest reasons.

Your Committee has amended this measure by:

- (1) Mandating, rather than authorizing, the Department of Taxation to establish certain fee amounts by administrative rule;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1274, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1274, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

#### SCRep. 677 Ways and Means on S.B. No. 1271

The purpose and intent of this measure is to authorize the Department of Taxation, in addition to the Department of Accounting and General Services, to perform tax refund offsets.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that authorizing the Department of Taxation, in addition to the Department of Accounting and General Services, to perform tax refund offsets will allow greater flexibility for the State to perform offsets, notify debtors, and provide certain information to a claimant agency for any valid debt due the claimant agency by a debtor who is otherwise entitled to a state tax refund.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Accounting and General Services *or* the Department of Taxation shall set off any valid debt upon the request of a claimant agency;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1271, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1271, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

## SCRep. 678 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1505

The purpose and intent of this measure is to authorize the Department of Transportation to make harbor facilities temporarily available as a harbor of safe refuge when the National Weather Service forecasts a tropical storm or hurricane strength cyclones, unless specifically prohibited by the United States Coast Guard Captain of the Port.

Your Committees received testimony in support of this measure from the Hawaii Emergency Management Agency; Ocean Tourism Coalition; Calypso Charters; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi; Sea Link of Hawaii, Inc.; Atlantis Adventures; Passenger Vessel Association; Malolo Charters; Hawaii Pilots Association; Trilogy Excursions; Activities and Attractions Association of Hawaii; and two individuals. Your Committees received testimony in opposition to this measure from Matson. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that the Department of Transportation is responsible for the care and control of commercial harbors in Hawaii. Hawaii's isolated island geography emphasizes the significance of ocean cargo transport as the lifeline and only viable means to serve and support every facet of the local economy, including tourism, construction, national defense, agriculture, and all other industries supporting the State. Your Committees recognize the importance of critical harbors and believe that the Department of Transportation should be empowered to take all actions necessary to make the State's ports recoverable and accessible.

Your Committees further recognize the concerns regarding the increased risk to resuming port operations in the case of a delay in reopening the ports due to a sunken vessel or a vessel causing damage to any piers. However, your Committees believe that the safety of everyone holds the highest priority of the State.

Your Committees have amended this measure by:

- (1) Establishing a working group to create a plan of action when the National Weather Service forecasts a tropical storm or hurricane strength cyclones for small vessels under two hundred gross tons and examine the feasibility of making harbor facilities temporarily available as a harbor of safe refuge for those small vessels;
- (2) Establishing the membership of the working group; and
- (3) Requiring the working group to submit a report to the legislature no later than twenty days prior to the convening of the Regular Session of 2020.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1505, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1505, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 679 (Majority) Judiciary on S.B. No. 94

The purpose and intent of this measure is to:

- (1) Require candidates for president and vice president of the United States to post their most recent income tax return on the Internet at least sixty days prior to and continuing through the date of the general election for free access by the public in order to be included on the state ballot, subject to certain conditions; and
- (2) Prohibit electors from voting for a candidate for president or vice president of the United States unless the candidates have posted their most recent income tax return on the Internet at least sixty days prior to and continuing through the date of the general election.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Honolulu Republican Party and seven individuals. Your Committee received comments on this measure from the Department of Taxation, Department of the Attorney General, and Tax Foundation of Hawaii.

Your Committee finds that until the 2016 election cycle, United States presidential and vice presidential candidates of major parties routinely released their income tax returns as part of a decades-old tradition. Your Committee further finds that a candidate's income tax returns provide voters with essential information regarding a candidate's potential conflicts of interest, business dealings, financial status, and charitable donations, and allows voters the opportunity to fully evaluate fitness for the offices of President and Vice President of the United States. This measure will require presidential and vice presidential candidates to release their income tax returns before they are placed on the Hawaii ballot.

Your Committee has amended this measure by:

- (1) Allowing candidates to redact any personal identification numbers of any kind before posting income tax returns;
- (2) Clarifying that "income tax return" has the same meaning as "individual income tax return" as used in the Internal Revenue Code of 1986, as amended; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 94, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 94, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Wakai). Noes, 1 (Kim). Excused, 1 (Fevella).

# SCRep. 680 Commerce, Consumer Protection, and Health on S.B. No. 1383

The purpose and intent of this measure is to abolish the Board of Health.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds the Board of Health's advisory role has been made redundant by the evolution of state and federal regulations, community standards of practice, grant guidance, and legislative oversight. Furthermore, as the Department of Health's scope expanded to include public health, behavioral health, and environmental protection, it became too complex for meaningful advisement by a generalist board like the Board of Health. Your Committee notes that the Board of Health has been vacant for several years and abolishing it will have little practical effect except to reduce the administrative load of the Department of Health.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1383 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 681 Ways and Means on S.B. No. 1014

The purpose and intent of this measure is to address recent increases in the cost of household and dependent care services.

Specifically, this measure amends the income tax credit that may be claimed for certain expenses for household and dependent care services that are necessary for gainful employment by:

- (1) Increasing the taxpayer's applicable percentage of the employment-related expenses and dollar limit on amounts creditable that constitute the tax credit; and
- (2) Requiring the Department of Taxation from September 30, 2020, and each September 30th thereafter, to make annual adjustments for inflation to the adjusted gross income thresholds and dollar limits on amounts creditable.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Collaborative Support Services Inc., Hawaii Appleseed Center for Law & Economic Justice, Midwives Alliance of Hawaii, Hawaii Alliance for Progressive Action, and three individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure will assist families with young children in the State to access high-quality early learning options.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1014, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1014, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

# SCRep. 682 (Joint) Public Safety, Intergovernmental, and Military Affairs and Water and Land and Agriculture and Environment on S.B. No. 831

The purpose and intent of this measure is to require the counties to give full consideration to urban agriculture principles and policies in land use zoning.

Your Committees received testimony in support of this measure from the Department of Agriculture, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals.

Your Committees find that communities around the country are looking to promote healthier eating by encouraging urban agriculture. "Urban agriculture" is an umbrella term encompassing a wide range of activities involving the raising, cultivating, processing, marketing, and distributing of food in urban areas. In many communities, urban agriculture takes the form of backyard gardens and community gardens.

Your Committees further find that allowing the counties to adopt an integrated approach to land use planning that incorporates urban agriculture principles and policies furthers the State's goals of sustainability and self-sufficiency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs, Water and Land, and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 831 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

Water and Land: Ayes, 5. Noes, none. Excused, none.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

# SCRep. 683 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on S.B. No. 1422

The purpose and intent of this measure is to specify that police officers have the discretion to issue citations, in lieu of making a lawful arrest without a warrant, for non-violent class C felonies, misdemeanors, petty misdemeanors, and violations under certain conditions, including that the offense does not involve domestic violence, sexual assault, robbery, or any other offenses under chapter 707, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, the Drug Policy Forum of Hawaii, Community Alliance on Prisons, Hawaii Health and Harm Reduction Center, and three individuals. Your Committees received testimony in opposition to this measure from the Hawaii Paroling Authority and the City and County of Honolulu Department of the Prosecuting Attorney.

Your Committees find that section 803-6, Hawaii Revised Statutes, gives police officers the discretion to issue citations for misdemeanors, petty misdemeanors, and violations. However, police officers are reluctant to exercise this discretion. Your Committees also find that issuing citations in lieu of arresting these non-violent offenders would free up space in police cellblocks, county jails, and courthouse holding cells without jeopardizing public safety.

Your Committees further find that citation issuance is a viable alternative to arrest for low-risk defendants who have not demonstrated a risk of non-appearance in court, while still protecting the public from the risk of further crime.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1422 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 684 (Joint) Hawaiian Affairs and Water and Land on S.B. No. 1502

The purpose and intent of this measure is to add the Chairperson of the Hawaiian Homes Commission (Chairperson) or the Chairperson's designee to serve as an ex officio, voting member of the Commission on Water Resource Management (Commission).

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Ho'omanapono Political Action Committee, and Hawaii Farmers Union. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the State Water Code has not been implemented in a manner that fully satisfies section 174C-101(a), Hawaii Revised Statutes, which requires decisions of the Commission relating to the planning for, regulation, management, and conservation of water resources in the State to incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian homelands as set forth in section 221 of the Hawaiian Homes Commission Act.

Your Committees find that by adding the Chairperson to the Commission, this measure will help ensure adequate reserves of water for current and future development of Hawaiian homelands.

However, your Committees have also heard concerns by testifiers on this measure. The Department of Land and Natural Resources raises two salient concerns in its testimony. First, adding a member to the Commission specifically to protect the interests of the Department of Hawaiian Home Lands could create the perception that the other members of the Commission have no obligation to consider the rights of Hawaiian homelands although it is the constitutional and statutory responsibility of all Commission members to protect and preserve the rights of the Department of Hawaiian Home Lands. The second concern is that including the Chairperson on the Commission will present the Chairperson with conflicts of interest since the Department of Hawaiian Home Lands is often a party before the Commission and the Chairperson has a duty to Hawaiian homelands beneficiaries, whereas the Commission has a duty to the general public.

While the Department of Land and Natural Resources' concerns are noted, your Committees find that this measure will allow for greater advocacy for Hawaiian Homes Commission Act beneficiaries in water management throughout the State.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1502 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

#### SCRep. 685 Education on S.B. No. 1221

The purpose and intent of this measure is to:

- (1) Clarify wording regarding the delegation of powers to the Executive Director of the Hawaii Teacher Standards Board to timely approve license and permit applications; and
- (2) Include comprehensive reporting of data from the Department of Education, State Public Charter School Commission, and charter schools of the number of classrooms without a licensed teacher during the school year.

Your Committee received testimony in support of this measure from the Hawai'i Teacher Standards Board, Hawaii State Teachers Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that Hawaii continues to suffer from a shortage of qualified teachers. Currently, individuals who meet all of the requirements for a teaching license or permit have to wait for the Hawaii Teacher Standards Board to meet and affirm their license. This measure ensures that individuals who meet all requirements and receive approval from the Executive Director of the Hawaii Teacher Standards Board are issued teaching licenses or permits in a timelier manner.

Your Committee further finds that the Department of Education and State Public Charter School Commission currently report the number of emergency hire teachers in public school classrooms. This measure adds an additional reporting requirement of the number of classrooms without a licensed teacher for a quarter or more of the year, assisting the Legislature, preparation programs, and schools in knowing the actual need for closing the teacher recruitment and retention gap.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1221 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

#### SCRep. 686 Ways and Means on S.B. No. 1130

The purpose and intent of this measure is to specify that the Internal Revenue Code section 512(a)(7), with respect to increases in unrelated business taxable income by disallowed fringe, is not operative in Hawaii income tax law.

Your Committee received testimony in support of this measure from the University of Hawaii Foundation and the Hawaii Alliance of Nonprofit Organizations. Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that the federal Tax Cuts and Jobs Act of 2017 disallowed certain fringe benefit deductions for ordinary businesses while increasing the unrelated business taxable income of tax-exempt organizations for the same amounts that are disallowed as deductions to ordinary businesses. Your Committee further finds that in Act 27, Session Laws of Hawaii 2018, Hawaii did not conform to the disallowance of deductions for ordinary businesses, but inadvertently conformed to the increase in unrelated business taxable income of tax-exempt organizations for the same amounts that are disallowed as deductions to ordinary businesses.

Your Committee therefore finds that this measure is necessary to restore equity between ordinary businesses and tax-exempt organizations with regard to the tax treatment of fringe benefits by ensuring that Hawaii does not conform to the increase in unrelated business taxable income of tax-exempt organizations for the same amounts that are disallowed as deductions to ordinary businesses.

Your Committee was informed by the Department of Taxation that the department prefers that any changes to conformity with the Internal Revenue Code should be limited to a single bill. Specifically, S.B. No. 1267, which is the department's annual conformity bill and was heard by your Committee, addresses the inconsistency with regard to the tax treatment of fringe benefits and also conforms other income tax and estate and generation-skipping transfer tax laws to the Internal Revenue Code. Your Committee notes that for S.B. No. 1267, testimony in support of the measure was received from the Department of Taxation while comments were received from the Tax Foundation of Hawaii.

Your Committee has amended S.B. No. 1130 by:

- (1) Incorporating the contents of S.B. No. 1267 into S.B. No. 1130, using the Department of Taxation's language with regard to Section 512(a)(7) of the Internal Revenue Code; and
- (2) Correcting technical errors in the text of the Hawaii Revised Statutes as drafted in S.B. No. 1267.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1130, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

#### SCRep. 687 Ways and Means on S.B. No. 1206

The purpose and intent of this measure is to authorize the use of premiums received from the sale of general obligation bonds for certain capital expenditures.

Your Committee received testimony in support of this measure from the Department of Budget and Finance.

Your Committee finds that this measure will allow premiums received from the sale of the general obligation bonds to be used to finance the construction or improvement of various public facilities, such as elementary and secondary schools, community college and university facilities, and other purposes approved by the Legislature. Your Committee believes that this measure will allow the State to meet funding requirements for capital improvement projects while incurring less debt and related annual debt service costs.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1206, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1206, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Kahele, Kidani, Riviere, Shimabukuro, Fevella).

# SCRep. 688 Ways and Means on S.B. No. 1275

The purpose and intent of this measure is to make various technical amendments to Title 14, Hawaii Revised Statutes, specifically the chapters dealing with tax administration (chapter 231), fuel tax (chapter 243), liquor tax (chapter 244D), and tobacco tax (chapter 245).

Your Committee received testimony in support of this measure from the Department of Taxation. The Tax Foundation of Hawaii provided comments on the measure.

Your Committee finds that the aforementioned statutory chapters have not been reviewed for technical amendments in many years and that the proposed revisions provide needed updates and clarifications.

- (1) Deleting the amendment that would have repealed the requirement that the county liquor commissions certify to the Department of Taxation any new liquor permits issued to dealers, but repealing their obligation to do so within forty-eight hours:
- (2) Amending the definition of "dealer" to include new types of liquor licenses; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1275, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1275, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

### SCRep. 689 Ways and Means on S.B. No. 1361

The purpose and intent of this measure is to increase estate taxes for Hawaii net taxable estates that are valued at over \$10,000,000.

Your Committee received testimony in support of this measure from the Americans for Democratic Action Hawaii, League of Women Voters of Hawaii, Hawaii Appleseed Center for Law and Economic Justice, and several individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure will allow the State to capture some of the funds that certain residents will no longer be required to pay to the federal government due to the federal Tax Cuts and Jobs Act, which doubled the amount of an inheritance that is exempt from the federal estate tax, and to utilize those funds for addressing critically important state responsibilities.

Your Committee has amended this measure by making the measure applicable to decedents dying or taxable transfers occurring after December 31, 2019, in order to provide the Department of Taxation with sufficient time to implement the new law.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1361, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1361, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Riviere). Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

## SCRep. 690 Ways and Means on S.B. No. 1440

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Trevi Systems, Inc., or its related entity, Kona Coast Water LLC, to fund the plans, designs, construction, equipping, land leases, and other assets for two or more water desalination plants that use one hundred percent renewable solar energy for its customers on Hawaii island and potentially on other islands in the State.

Your Committee received written comments in support of this measure from Trevi Systems, Inc. and Kona Coast Water LLC, and from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure supports the development of the first forward osmosis seawater desalination plants in Hawaii using one hundred percent renewable energy.

Your Committee has amended this measure by:

- (1) Changing the amount of special purpose revenue bonds authorized to be issued to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1440, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1440, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 691 Ways and Means on S.B. No. 1504

The purpose and intent of this measure is to improve tax administration and accountability.

Specifically, this measure requires:

- (1) A person who prepares or assists in the preparation of a state income tax return, and all the preparer's agents, to obtain a federal preparer tax identification number; and
- (2) The person who has primary responsibility for the overall accuracy of the tax return to sign the return and provide the person's federal preparer tax identification number to the Department of Taxation.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that requiring tax return preparers to provide a federal preparer identification number to the Department of Taxation will help ensure that the preparers are accountable for the returns they prepare.

Your Committee has amended this measure by deleting its contents and inserting the provisions of Senate Bill No. 1272, a similar measure, and making further amendments, which cumulatively have the effect of amending this measure by:

- (1) Providing that a tax return preparer shall not omit its preparer tax identification number from any return or claim for refund prepared for compensation where the Department of Taxation requires the preparer tax identification number to be disclosed;
- (2) Establishing penalties for tax return preparers who do not obtain a preparer tax identification number or furnish it to the Department of Taxation when required;
- (3) Establishing a procedure for a tax return preparer to appeal penalties imposed;
- (4) Authorizing the Director of Taxation to bring a civil action to enjoin a tax return preparer from acting as a tax return preparer or engaging in certain conduct;
- (5) Authorizing the Department of Taxation to adopt rules pursuant to chapter 91, Hawaii Revised Statutes;
- (6) Defining the terms "tax return preparer" and "preparer identification number"; and
- (7) Providing that the measure shall apply to any returns filed after December 31, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1504, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1504, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

#### SCRep. 692 Ways and Means on S.B. No. 1533

The purpose and intent of this measure is to establish a tax advisory commission to advise the Department of Taxation in making the tax system more user-friendly for taxpayers and the private sector.

Your Committee received testimony in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that establishing and receiving advice from the tax advisory commission will enable the Department of Taxation to execute its administrative duties more efficiently.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical, nonsubstantive change for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1533, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1533, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

# SCRep. 693 Agriculture and Environment on S.B. No. 901

The purpose and intent of this measure is to require the Department of Health to adopt rules for onsite non-potable water reuse systems.

Your Committee received testimony in support of this measure from the Department of Health, Ulupono Initiative, One World One Water, The Nature Conservancy Hawai'i, Hawai'i Community Foundation, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Surfrider Foundation Hawaii Chapters, and three individuals.

Your Committee finds that as an island state, Hawaii has limited access to natural fresh water and unlike in other states, it is not economically feasible to ship in additional supplies when needed. The use of recycled water for non-potable applications has proven safe and feasible in Hawaii in regulatory schemes and in high-rise and mid-rise developments in New York, California, Japan, and Australia, among other locations. The use of recycled water generated onsite at high-rise and mid-rise developments can replace a large percentage of the future potable water demand of such developments.

Your Committee further finds that a water reuse task force was convened by the Department of Health based on House Concurrent Resolution No. 86, S.D. 1 (2018), to identify policies to help scale up water reuse in the State. The task force recommended increasing onsite water reuse at the development level and following the National Blue Ribbon Commission's best management practices for non-potable water systems to help the State achieve its 2030 goal of doubling wastewater reuse.

- (1) Changing the deadline by which the Department of Health must adopt rules for onsite non-potable water reuse systems from January 1, 2020, to January 1, 2021, due to the complexity of adopting rules for the expanded program and the need to consult with affected parties; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 901, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 901, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 694 Agriculture and Environment on S.B. No. 221

The purpose and intent of this measure is to establish a low interest loan program to offer financial assistance to cesspool owners who upgrade or convert their cesspools to septic systems or aerobic treatment unit systems, or who connect their systems to existing sewer systems or any other wastewater treatment systems approved by the Department of Health.

Your Committee received testimony in support of this measure from the County of Hawaii Office of the Mayor, City and County of Honolulu Department of Environmental Services, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Surfrider Foundation Hawaii Chapters, and six individuals. Your Committee received comments on this measure from the Department of Health and City and County of Honolulu Board of Water Supply.

Your Committee finds that the State's groundwater is being harmed by nonpoint contamination sources that flow directly off the land, rather than through pipes or ditches. Cesspools are a nonpoint contamination source of great concern. These substandard systems are essentially holes in the ground that do not treat wastewater but merely dispose of it.

Your Committee further finds that there are approximately eighty-eight thousand cesspools in the State that collectively release more than fifty-three million gallons of untreated sewage into the ground each day. Hawaii relies on groundwater for ninety percent of its drinking water.

Your Committee also finds that in 2017, legislation was enacted requiring all cesspools not excluded by the Director of Health to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to sewage systems by January 1, 2050. Your Committee finds that safe drinking water is an urgent matter and this measure will help prevent further contamination by providing financial assistance to landowners to fulfill the mandate of the 2017 legislation by, or even before, the 2050 deadline.

Your Committee has amended this measure by deleting language that would have allowed the loan program to include the option of on-bill financing supported by the water pollution control revolving fund because on-bill financing is beyond the City and County of Honolulu Board of Water Supply's expertise and scope of work.

However, your Committee notes that on-bill financing can help more people receive financing and that the source of an on-bill financing component of the loan program should be further researched for feasibility and possible reincorporation into this measure.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 221, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 221, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 695 Labor, Culture and the Arts on S.B. No. 267

The purpose and intent of this measure is to designate June 21 as International Yoga Day.

Your Committee received testimony in support of this measure from Gandhi International Institute for Peace, Hari Nama Mission, Down to Earth Organic and Natural, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, eight individuals, and a form letter signed by twenty-nine businesses and individuals.

Your Committee finds that yoga is a long standing tradition in Indian culture that is practiced by many people in Hawaii. On December 11, 2014, the United Nations adopted a resolution proclaiming June 21 as the International Day of Yoga. Accordingly, this measure will recognize June 21 of each year as International Yoga Day in Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 267, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 267, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 696 Ways and Means on S.B. No. 1151

The purpose and intent of this measure is to increase the authority of the Chairperson of the Board of Agriculture to approve agricultural and aquacultural loans so as to authorize amounts not to exceed \$100,000, up from the current loan authorization limit of \$25,000.

Your Committee received written comments in support of this measure from Department of Agriculture; Ulupono Initiative; Hawaii Farm Bureau; Hawaii Cattlemen's Council; and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that this measure provides a needed adjustment to the authorization amount for agricultural and aquacultural loans made by the Department of Agriculture. The current authorized loan amounts have not been updated since statutory authority was established for agricultural loans and aquacultural loans in 1982 and 1997, respectively.

Your Committee further finds that this measure supports the goal of increasing local food production in the State by enabling the Department of Agriculture to respond to a larger number of agricultural and aquacultural loan financing applications.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1151, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1151, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

#### SCRep. 697 Ways and Means on S.B. No. 1291

The purpose and intent of this measure is to fund alternative energy research and development grants to promote technology and innovation jobs in the State.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation; Oceanit Laboratories, Inc.; Makai Ocean Engineering, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and three individuals.

Your Committee finds that this measure will further the State's commitment to renewable energy and strengthen the local economy by supporting high-skill renewable energy research and development in the State.

Your Committee has amended this measure by:

- (1) Changing the appropriation amounts to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1291, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1291, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 698 Ways and Means on S.B. No. 1351

The purpose and intent of this measure is to authorize the Department of Agriculture to employ temporary inspectors to take samples of the industrial hemp plants for verification that certain chemicals do not exceed permissible concentration levels.

Your Committee received written comments in support of this measure from the Department of Agriculture, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Farm Bureau, and Hawaii Center for Food Safety.

Your Committee finds that the State's industrial hemp pilot program currently has only one employee. Authorizing the use of additional personnel for hemp sampling will allow the program to expand in an efficient manner.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1351, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1351, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Kahele, Kanuha, Kidani, Riviere, Taniguchi).

#### SCRep. 699 Ways and Means on S.B. No. 105

The purpose and intent of this measure is to allow jurors to be reimbursed for reasonable transportation costs, including but not limited to bus fare, rail fare, bicycle rentals, and taxi costs, to and from a court.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that because the public transportation options in the State have grown to include bicycle rentals and different types of hired car services, and will soon include a fixed rail system, the transportation costs for jurors are no longer limited to mileage fees and bus fares.

- (1) Changing the maximum reimbursement for a taxi or other hired car service fare to \$100 per one-way travel segment;
- (2) Requiring that a juror submit receipts prior to receiving a reimbursement for a taxi or other hired car service fare; and

(3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 105, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 105, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

## SCRep. 700 Ways and Means on S.B. No. 130

The purpose and intent of this measure is to appropriate funds for civil legal service providers to deliver civil legal services to lowand moderate-income persons.

Your Committee received written comments in support of this measure from the Judiciary, the Department of Human Services, Volunteer Legal Services Hawaii, Legal Aid Society of Hawaii, and two individuals.

Your Committee finds that funding civil legal services for low- and moderate-income persons helps to ensure that the State's judicial system is accessible to all who need it.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 130, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 130, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

#### SCRep. 701 Ways and Means on S.B. No. 330

The purpose of this measure is to require the Department of Human Services to allow for an earned income disregard of one hundred thirty-eight percent of the federal poverty level for income earned by certain individuals when determining eligibility of those individuals for Medicaid.

This measure also requires the Department of Human Services to evaluate the earned income disregard program and to submit reports to the Legislature prior to the 2020, 2021, and 2022 Regular Sessions.

Your Committee received written comments in support of this measure from Aloha Independent Living Hawaii, Lanakila Pacific, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee finds that many Medicaid beneficiaries do not seek or obtain employment because doing so will reduce their Medicaid benefits. This measure will allow those individuals to increase their income through part-time employment while retaining their current Medicaid benefits.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 330, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 330, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

# SCRep. 702 Ways and Means on S.B. No. 493

The purpose and intent of this measure is to prohibit health insurers that cover treatment for stage two through stage four cancer from requiring an insured who is diagnosed with stage two through stage four cancer to undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and Hawaii Medical Association.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs, Insurance

Your Committee finds that for cancer patients, selecting the proper personalized treatment as quickly as possible can be critical to survival. Delays in getting patients the right treatments at the right time may lead to unnecessary complications in the physician-patient decision-making process.

Your Committee has amended this measure by making technical corrections regarding the types of organizations that have lists of prescription drug formularies.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 493, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 493, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 703 Ways and Means on S.B. No. 852

The purpose and intent of this measure is to clarify that restitution payments to crime victims may include reimbursements for mental health treatment, counseling, therapy, and lost earnings.

Your Committee received written comments in support of this measure from Hawaii Psychological Association.

Your Committee finds that because ambiguity exists regarding what specific losses by crime victims are reimbursable, reimbursement payments to these victims can be significantly delayed.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 852, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 852, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

#### SCRep. 704 Ways and Means on S.B. No. 698

The purpose and intent of this measure is to bolster the State's commitment to conservation, sustainability, and economic development by codifying the seventeen United Nations Sustainable Development Goals and incorporating existing State sustainability goals, such as the Aloha+ Challenge, Sustainable Hawaii Initiative, and Hawaii Commitments presented to the 2016 World Conservation Congress.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Office of Planning, Office of Hawaiian Affairs, Hawaii Farm Bureau, Kamehameha Schools, Hawaii Green Growth, The Nature Conservancy of Hawaii, Surfrider Foundation Hawaii Chapters, Healthy Climate Communities, Hawaii Public Health Association, and two individuals.

Your Committee finds that this measure will supplement the State's existing sustainability goals, empower collective government and private conservation efforts in Hawaii, and contribute to efforts statewide to build a more sustainable future.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 698, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 698, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

#### SCRep. 705 Ways and Means on S.B. No. 1149

The purpose and intent of this measure is to establish a pilot program to identify efficient foreign agriculture small equipment and retrofit their engines to comply with federal Environmental Protection Agency standard emissions regulations.

Your Committee received written comments in support of this measure from the Department of Agriculture, Land Use Research Foundation of Hawaii, Ulupono Initiative, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Farm Bureau, Hawaii Crop Improvement Association, Maui Chamber of Commerce, and one individual.

Your Committee finds that this measure will expand the options available to local farmers and ranchers for small equipment while also complying with United States Environmental Protection Agency emissions standards. Your Committee also finds that an appropriation of \$500,000 for fiscal year 2019-2020 is necessary to achieve the intent of this measure.

- (1) Requiring the Chairperson of the Board of Agriculture to submit a report to the Legislature on the pilot program's progress and any findings, recommendations, or proposed legislation, no later than twenty days prior to the convening of the regular session of 2020;
- (2) Changing the appropriation to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1149, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1149, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

#### SCRep. 706 Ways and Means on S.B. No. 1191

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (1) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (1) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1191, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1191, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

## SCRep. 707 Ways and Means on S.B. No. 1192

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (2) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (2) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1192, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1192, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 708 Ways and Means on S.B. No. 1195

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (5) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (5) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1195, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1195, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

#### SCRep. 709 Ways and Means on S.B. No. 1196

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (6) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (6) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1196, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1196, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 710 Ways and Means on S.B. No. 1197

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (7) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii and University of Hawaii Professional Assembly.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (7) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1197, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1197, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 711 Ways and Means on S.B. No. 1200

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (10) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii and Hawaii Health Systems Corporation.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (10) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1200, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1200, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

#### SCRep. 712 Ways and Means on S.B. No. 1201

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (11) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Hawaii Fire Fighters Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (11) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1201, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1201, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 713 Ways and Means on S.B. No. 1202

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (13) and their excluded counterparts.

Your Committee received written comments in support of this measure from the Hawaii Health Systems Corporation and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (13) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1202, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1202, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 714 Ways and Means on S.B. No. 1203

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (14) and their excluded counterparts.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (14) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1203, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1203, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 715 Ways and Means on S.B. No. 1193

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (3) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (3) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1193, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1193, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 716 Ways and Means on S.B. No. 1194

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (4) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (4) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1194, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1194, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 717 Ways and Means on S.B. No. 1198

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (8) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (8) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1198, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1198, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (English).

### SCRep. 718 Ways and Means on S.B. No. 1199

The purpose and intent of this measure is to make appropriations and allocations for fiscal biennium 2019-2021 for collective bargaining cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (9) and their excluded counterparts.

Your Committee received written comments in support of this measure from the University of Hawaii, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that negotiations between the exclusive representative of collective bargaining unit (9) and the public employer are currently in progress. Allowing this measure to advance through the legislative process provides a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2019 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1199, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1199, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

#### SCRep. 719 Ways and Means on S.B. No. 19

The purpose and intent of this measure is to amend the calculation of the surplus lines insurance premium tax to tax the entirety of the premium using the rate established by Hawaii statute, regardless of location of risk.

Your Committee received written comments in support of this measure from the Wholesale & Specialty Insurance Association and American Property Casualty Insurance Association.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that this measure repeals language authorizing the Insurance Commissioner to enter into an interstate compact to collect surplus lines premium taxes. Under current law, the interstate compact, among other things, requires the State to use a method in cooperation with other states in allocating risk and computing taxes due on premiums to each state where properties, risks, or exposures are located. Your Committee recognizes that a very small minority of states have signed onto this interstate compact, and it is more beneficial for the State to use a system where surplus lines brokers make direct payments to the Director of Finance.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 19, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 19, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Riviere, Taniguchi).

# SCRep. 720 Ways and Means on S.B. No. 216

The purpose and intent of this measure is to require a recount of votes if a margin of victory for an election contest or a tabulation for a ballot measure is equal to or less than one hundred votes or one-half of one per cent of the votes cast, whichever is greater.

Your Committee received written comments in support of this measure from the League of Women Voters of Hawaii, the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Office of Elections and the County Clerk of the County of Kanai.

Your Committee finds that this measure will facilitate the accurate tabulation of votes.

Your Committee has amended this measure by:

- (1) Extending the deadline for the completion and public announcement of the results of a mandatory vote recount to seventy-two hours after the closing of polls on election day;
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 216, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 216, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

### SCRep. 721 Ways and Means on S.B. No. 503

The purpose and intent of this measure is to increase government accountability by addressing the ongoing issue of salary or wage overpayments.

Specifically, this measure:

 Requires each department to deduct the department's total salary or wage overpayment from the department's budget request for the following fiscal biennium;

- (2) Requires employees who exhaust their sick or vacation leave to be placed on a manual accounting system; and
- (3) Removes the two-year statute of limitations on the determination and notice of salary or wage overpayment.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services and Department of Transportation.

Your Committee received written comments on this measure from the Department of Education, Department of Budget and Finance, and University of Hawaii.

Your Committee finds that from November 2016 to October 2017, state departments and agencies overpaid salaries in an amount exceeding \$415,000 each month. Your Committee believes that holding state departments and agencies accountable for salary overpayments will decrease overpayment waste and increase state efficiency.

Your Committee has amended this measure by:

- (1) Exempting the University of Hawaii from the requirement to place employees who exhaust sick or vacation leave on a manual accounting system; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 503, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 503, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

# SCRep. 722 Ways and Means on S.B. No. 504

The purpose and intent of this measure is to appropriate \$500,000 for fiscal year 2019-2020, and the same sum for fiscal year 2020-2021, necessary for the repair, restoration, and maintenance of the coronation pavilion, two pergolas, and a fountain at Iolani Palace.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and two individuals.

Your Committee finds that this measure will support necessary repairs and maintenance that will allow the people of Hawaii to continue to utilize and enjoy the grounds of one of Hawaii's most historic and culturally significant landmarks.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 504, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 504, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 723 Ways and Means on S.B. No. 695

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to create a digital database of its applicant, beneficiary, and lessee records.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Hawaiian Community Assets.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that creating a digital database of the Department of Hawaiian Home Lands' beneficiary records will help beneficiaries to determine their application status more easily and efficiently.

Your Committee has amended this measure by:

- (1) Removing the appropriation to the Department of Hawaiian Home Lands;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 695, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 695, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 724 Ways and Means on S.B. No. 874

The purpose and intent of this measure is to facilitate the provision of micro housing units on Hawaiian home lands.

Specifically, the measure:

- (1) Authorizes the Department of Hawaiian Home Lands to make certain loans to qualifying lessees for the purchase or lease of micro housing units for use on Hawaiian home lands; and
- (2) Appropriates funds.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaiian Community Assets, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Sovereign Council of Hawaiian Homestead Associations, and two individuals.

Your Committee received written comments on this measure from the Department of Hawaiian Home Lands and Department of the Attorney General.

Your Committee recognizes that this measure is intended to address the financial and financing challenges that the Department of Hawaiian Home Lands and its lessees face in establishing and increasing residential housing opportunities on leased Hawaiian home lands

Your Committee has amended this measure by:

- (1) Removing the appropriations;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 874, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 874, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 725 Ways and Means on S.B. No. 998

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Hawaiian Electric Company, Inc.; Maui Electric Company, Limited; and Hawaii Electric Light Company, Inc.; to fund various multi-project capital improvement programs, including costs to cover the acquisition of land or the construction or acquisition of facilities used or related to the production, transmission, or distribution of electricity.

Your Committee received written comments in support of this measure from Hawaiian Electric Company, Inc.; Ulupono Initiative; and Land Use Research Foundation of Hawaii.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure supports the construction of facilities necessary to supply electricity in the State.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 998, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 998, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 726 Ways and Means on S.B. No. 1001

The purpose and intent of this measure is to establish within the Office of Enterprise Technology Services a Chief Data Officer position and a Data Set Task Force to develop, implement, and manage statewide data policies, procedures, and standards.

Your Committee received written comments in support of this measure from the Department of Education, Office of Information Practices, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Transform Hawaii Government, Elemental Excelerator, Civil Beat Law Center for the Public Interest, and Ulupono Initiative.

Your Committee finds that this measure would facilitate data sharing between state agencies, thus increasing the transparency and accessibility of government information.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1001, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1001, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 727 Ways and Means on S.B. No. 1003

The purpose and intent of this measure is to establish the Innovative Project Delivery Guidelines Task Force.

More specifically, this measure:

- (1) Establishes the Innovative Project Delivery Guidelines Task Force within the Department of Accounting and General Services;
- (2) Requires the Task Force to submit innovative project delivery guidelines recommendations to the Legislature;
- (3) Requires the Department of Accounting and General Services to adopt rules based on the Task Force's recommendations; and
- (4) Appropriates moneys to the Department of Accounting and General Services.

Your Committee received written comments in support of this measure from BIA Hawaii, Land Use Research Foundation of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Ulupono Initiative.

Your Committee received written comments on this measure from the State Procurement Office.

Your Committee finds that the State would benefit from the research and development of institutional framework and tools to support state agencies in identifying, implementing, and overseeing innovative project delivery arrangements.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$200,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1003, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1003, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 728 Ways and Means on S.B. No. 1176

The purpose and intent of this measure is to ensure that the State's false claims act remains in conformity with federal law.

Specifically, this measure:

- (1) Conforms the penalty amounts for false claims to the State with the penalty amounts pursuant to the 2019 amounts of the federal False Claims Act; and
- (2) Requires that, beginning in 2020 and every year thereafter, the penalty amounts in Hawaii's false claims act shall have the same amounts and the same effective dates as those adjusted and adopted by the United States Department of Justice for the federal False Claims Act.

Your Committee received written comments in support of this measure from the Department of the Attorney General.

Your Committee finds that this measure will bring the State into compliance with a federal mandate that the Hawaii false claims act penalties consistently match the federal False Claims Act penalties.

Your Committee has amended this measure by:

- (1) Reducing the maximum penalty amount from \$22,927 to \$22,363 to match the amount established in federal law;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1176, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1176, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 729 Ways and Means on S.B. No. 1190

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation to enter into seventy-five year leases for units in residential condominiums located on state lands.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; and Land Use Research Foundation of Hawaii.

Your Committee finds that this measure will facilitate the development of affordable residential condominiums for low-income individuals and families in Hawaii.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1190, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1190, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 730 Ways and Means on S.B. No. 1257

The purpose and intent of this measure is to update certain fees assessed on users of state small boat harbors.

Specifically, this measure:

- (1) Establishes that liveaboard fees for state small boat harbors shall be established by appraisal by a state-licensed appraiser approved by the Department of Land and Natural Resources and shall be set at fair market value; and
- (2) Clarifies the moorage fee structure for vessels used for commercial purposes and provides that those vessels are subject to liveaboard fees if used as places of principal habitation.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee received written comments in opposition to this measure from the Hawaii Fishing and Boating Association and one individual.

Your Committee received written comments on this measure from the Ocean Tourism Coalition.

Your Committee finds that the liveaboard fee, which is paid by a permittee who lives on their vessel, is intended to offset the cost of increased use of services such as utilities, showers, and restrooms, providing security, and other administrative costs. Your Committee further finds that the liveaboard fee has not been increased since 1991.

Your Committee has amended this measure by making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1257, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1257, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Taniguchi).

# SCRep. 731 Ways and Means on S.B. No. 1382

The purpose and intent of this measure is to make public hearings and informational briefings at the state capitol more accessible to residents throughout the State.

More specifically, this measure:

- (1) Requires each chamber of the Legislature to establish procedures for livestreaming all public hearings and informational briefings held at the state capitol;
- (2) Requires the legislative broadcast program to make an audio or audiovisual recording of all public hearings and informational briefings held at the state capitol and maintain an archive of the recordings that are to be made available to the public; and
- (3) Appropriates moneys to the Legislative Reference Bureau to purchase recording equipment and archival materials and hire staff.

Your Committee received written comments in support of this measure from the Disability and Communication Access Board and one individual.

Your Committee received written comments on this measure from the Legislative Reference Bureau.

Your Committee finds that pursuant to sections 21G-3 and 21D-6, Hawaii Revised Statutes, the Joint Legislative Access Committee, rather than the Legislative Reference Bureau, is vested with supervising authority over the Legislative Broadcast Program. Therefore, the Bureau may not be able to expend moneys for a program that is not under its jurisdiction. Accordingly, your Committee notes that the Joint Legislative Access Committee may be the more appropriate entity to expend the moneys appropriated in this measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1382, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1382, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 732 Ways and Means on S.B. No. 1404

The purpose and intent of this measure is to expand the Hawaii rural health care provider loan repayment program.

More specifically, this measure:

- Extends the Hawaii rural health care provider loan repayment program to include certain advance practice registered nurses, registered nurses, and licensed social workers; and
- (2) Appropriates moneys to the Department of Health for the health care provider loan repayment program.

Your Committee received written comments in support of this measure from the Department of Health, the University of Hawaii, the Office of the Mayor of the County of Hawaii, the East Hawaii Region of the Hawaii Health Systems Corporation, East Hawaii Independent Physicians Association, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Primary Care Association, Healthcare Association of Hawaii, Hawaii Medical Service Association, Hawaii Pacific Health, Hilo Medical Center, Hilo Medical Center Foundation, Lanai Community Health Center, The Queen's Health Systems, TEAMHealth Hospital Medicine, and numerous individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that extending the Hawaii rural health care provider loan repayment program should attract more health care providers to rural areas of the State that are experiencing a shortage of these providers.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$350,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1404, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1404, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 733 Ways and Means on S.B. No. 1494

The purpose and intent of this measure is to establish a working group to evaluate behavioral health care and to identify steps needed to promote the integration of services to more effectively respond to and coordinate care for individuals experiencing substance abuse, mental health conditions, and homelessness.

Your Committee received written comments in support of this measure from the Department of Human Services, Department of Commerce and Consumer Affairs Insurance Division, Governor's Coordinator on Homelessness, Mental Health America of Hawaii, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that more than half of the adults with mental illness in the State do not receive treatment, due in part to various gaps in behavioral health care and related services. Your Committee further finds that the working group will require \$50,000 in each year of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by:

- (1) Specifying that the Director of Health shall invite the representatives from the entities operating a health care plan and from the Hawaii Substance Abuse Coalition to participate on the working group;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1494, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1494, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 734 Ways and Means on S.B. No. 12

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation to develop and implement a housing voucher program for full-time teachers employed by the Department of Education or at a public charter school.

Your Committee received written comments in support of this measure from the Department of Education, Hawaii Teacher Standards Board, Democratic Party of Hawaii Education Caucus, and Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that housing subsidy vouchers are an effective tool to increase public school teacher retention.

Your Committee notes that the Hawaii Housing Finance and Development Corporation has requested a minimum of 22.5 full-time equivalent positions and a \$1,000,000 general fund appropriation to staff the housing voucher program.

Your Committee has amended this measure by:

- (1) Specifying that the maximum voucher amount of \$500 is a monthly amount;
- (2) Limiting the beneficiaries of the voucher program to full-time teachers employed at hard-to-fill public schools, including public charter schools, as identified by the Department of Education;
- (3) Clarifying that the vouchers are renewable for one additional year, provided that the applicant submits proof of continued employment as a full-time teacher; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 12, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 12, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Riviere).

#### SCRep. 735 Ways and Means on S.B. No. 50

The purpose and intent of this measure is to appropriate funds to the University of Hawaii for the Hawaii Nutrition Employment and Training Program.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii Nutrition Employment and Training Program of the University of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee finds that the Hawaii Nutrition Employment and Training Program helps Supplemental Nutrition Assistance Program recipients achieve self-sufficiency by providing training, employment, and assistance with higher education costs.

Your Committee notes that an appropriation of \$520,000 is needed for each fiscal year of the 2019-2021 fiscal biennium in order to sustain the program.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$520,000 to an unspecified sum;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 50, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 50, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 736 Ways and Means on S.B. No. 226

The purpose and intent of this measure is to appropriate funds to support youth suicide early intervention, prevention, and education initiatives in the counties of Kauai, Hawaii, and Maui.

Your Committee received written comments in support of this measure from the Department of Education, County of Hawaii Office of the Mayor, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Family Forum, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Pacific Health, Sutter Health Kahi Mohala, Papa Ola Lokahi, The Queen's Health Systems, Kamehameha Schools, Hawaii Pacific Health, Council for Native Hawaiian Advancement, and three individuals.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that this measure will increase interventions and sustain youth suicide prevention projects to address the higher rates of suicide among youth in Kauai, Hawaii, and Maui counties. Your Committee notes that appropriations in the following amounts are necessary to achieve the intent of this measure:

- (1) \$25,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 for the county of Kauai;
- (2) \$50,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 for the county of Hawaii; and
- (3) \$50,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 for the county of Maui.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 226, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 226, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 737 Ways and Means on S.B. No. 308

The purpose and intent of this measure is to extend the report submission deadline for the sunrise analysis required by Act 109, Session Laws of Hawaii 2018, regarding the impacts of the establishment of a paid family leave program on industry, consumers, employees, employers, and care givers prior to choosing a model or framework that will work best for Hawaii's workforce.

Your Committee received written comments in support of this measure from the Hawaii Appleseed Center for Law and Economic Justice, PHOCUSED, Hawaii Children's Action Network, Maui Chamber of Commerce, Hawaii Women's Coalition, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Legislative Reference Bureau.

Your Committee finds that this measure will allow necessary additional time for the Legislative Reference Bureau to evaluate and execute a contract for the required sunrise analysis and provide the selected contractor with adequate time to conduct a thorough analysis regarding this matter of significant public interest.

Your Committee has amended this measure by making a technical nonsubstantive amendment for the purpose of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 308, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 308, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 738 Ways and Means on S.B. No. 337

The purpose and intent of this measure is to make the legislative process more accessible to all residents of the State.

More specifically, this measure:

- (1) Establishes the remote legislative access program;
- (2) Requires the Joint Legislative Access Committee to oversee the program's staff and operations and recommend policies for the program; and
- (3) Appropriates moneys to the Legislature to establish the remote legislative access program.

Your Committee received written comments in support of this measure from the Disability and Communication Access Board, Democratic Party of Hawaii, and five individuals.

Your Committee finds that communication technology has improved in ways that make the legislative process more accessible to individuals with disabilities and individuals who live outside of urban Honolulu. Accordingly, your Committee believes that this measure will provide increased opportunity for public participation in the legislative process.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 337, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 337, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 739 Ways and Means on S.B. No. 373

The purpose and intent of this measure is to establish a curriculum-to-career pipeline that will prepare students in kindergarten through grade twelve to enter the State's workforce with the appropriate skills, certifications, licensing, or college credit upon graduation from high school.

Specifically, this measure provides parameters and funding to the Department of Education, in collaboration with the Department of Business, Economic Development, and Tourism, the Department of Labor and Industrial Relations, and the University of Hawaii, to develop and implement the K-12 curriculum-to-career-pipeline initiative.

Your Committee received written comments in support of this measure from the Department of Education, Department of Labor and Industrial Relations, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Executive Office on Early Learning.

Your Committee finds that this measure will support, strengthen, and advance a consolidated statewide effort to prepare students for a career in the State, expand career options for students who graduate from Hawaii schools, and close the skills gap between workers and available jobs, particularly in the fields of science, technology, engineering, and mathematics.

Your Committee notes that the Department of Education estimates that the implementation and operation of the program contained in this measure will require the services of one full-time equivalent (1.0 FTE) Educational Specialist II position. The cost to the State for an Educational Specialist II staff position is \$97,202.

Your Committee has amended this measure by:

- (1) Adding specific language to the appropriation that authorizes the expenditure of funds for one full-time equivalent (1.0 FTE) Educational Specialist II position; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 373, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 373, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Kahele, Riviere).

# SCRep. 740 Ways and Means on S.B. No. 387

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation to collaborate with the Department of Education to plan rental housing projects for public school teachers and to require the Department of Education to contract with private entities to develop, manage, maintain, or revitalize teacher housing.

This measure also authorizes the issuance of general obligation bonds, provides that the proceeds shall be deposited into the dwelling unit revolving fund, and appropriates funds from the revolving fund for the development of rental housing for teachers.

Your Committee received written comments in support of this measure from the Department of Education; Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; Hawaii State Teachers Association; Hawaii Association of REALTORS; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Democratic Party of Hawaii Education Caucus; Hawaiian Community Assets; and one individual.

Your Committee finds that providing housing assistance may help lessen Hawaii's teacher shortage.

Your Committee has amended this measure by:

- (1) Changing the authorization to issue general obligation bonds into an appropriation of general funds of an unspecified amount;
- Clarifying that the threshold for authorizing the rental of available units to non-teachers shall be teacher occupancy falling below ninety-five percent of total units in a project;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 387, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 387, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 741 Ways and Means on S.B. No. 409

The purpose and intent of this measure is to establish an annual vehicle registration surcharge fee for electric vehicles, plug-in hybrid electric vehicles, alternative fuel vehicles, and hybrid vehicles manufactured after 2018.

Your Committee received written comments in support of this measure from four individuals.

Your Committee received written comments in opposition to this measure from the Alliance of Automobile Manufacturers, Big Island EV Association, Ulupono Initiative, and three individuals.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii; Hawaiian Electric Company, Inc.; and three individuals.

Your Committee finds that the surcharge imposed under this measure reflects a balanced approach to promoting the public's use of electric vehicles and other alternative fuel vehicles while ensuring an adequate source of revenue for highway maintenance.

Your Committee has amended this measure by:

- (1) Deleting the restriction that the surcharge fee shall apply to vehicles manufactured after 2018; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 409, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 409, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Keith-Agaran). Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 742 Ways and Means on S.B. No. 565

The purpose and intent of this measure is to increase traffic safety on the State's roads.

Specifically, this measure:

- (1) Requires the Department of Transportation to implement a Vision Zero Program by July 1, 2020; and
- (2) Establishes a goal to eliminate fatalities and serious injuries from traffic accidents in Hawaii by 2030.

Your Committee received written comments in support of this measure from the Department of Transportation, Hawaii Strategic Highway Safety Plan, Mayor of the County of Hawaii, Department of Transportation Services of the City and County of Honolulu, County of Hawaii Planning Department, Blue Zones Project, Hawaii Public Health Institute, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Bicycling League, and nine individuals.

Your Committee finds that Vision Zero has been successfully adopted by Sweden, Washington State, and many of the country's large cities. Your Committee further finds that this initiative relies on data-driven strategies and places urgency and accountability on system designers and policymakers.

Your Committee has amended this measure by:

- (1) Codifying the program in chapter 286, Hawaii Revised Statutes; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 565, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 565, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

#### SCRep. 743 Ways and Means on S.B. No. 651

The purpose and intent of this measure is to authorize the Board of Agriculture to make determinations on the eligibility of certain persons for leases to construct and operate facilities for agriculture or aquaculture, provided that certain criteria are met.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Farm Bureau, and Hawaii Cattlemens Council.

Your Committee recognizes that recent developments in agriculture indicate a growing reliance on technological advances and methods that require substantial resources to build and maintain infrastructure for innovative agricultural models. Your Committee notes that many farmers do not have sufficient financial resources readily available to them, forcing them to seek assistance from others outside of the State and elsewhere in the agricultural industry to acquire investment capital. Your Committee believes that this measure may assist local farmers to obtain investment capital to establish and grow their businesses.

Your Committee has amended this measure by:

- Clarifying the eligibility requirements of persons seeking agricultural leases to ensure consistent references to "crops or products" generated from the lease operations;
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 651, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 651, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

# SCRep. 744 Ways and Means on S.B. No. 699

The purpose and intent of this measure is to ensure permanent, adequate funding for the State of Hawaii Museum of Natural and Cultural History at the Bernice Pauahi Bishop Museum.

Specifically, this measure:

- Beginning with the 2021-2023 fiscal biennium and each fiscal biennium thereafter, requires the Governor to include in the
  executive budget a minimum amount per fiscal year to be allocated to the State of Hawaii Museum of Natural and Cultural
  History; and
- (2) Appropriates funds to support the work of the State of Hawaii Museum of Natural and Cultural History.

Your Committee received written comments in support of this measure from the Bishop Museum, Charles Reed Bishop Trust, Kamehameha Schools, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Department of the Attorney General and Department of Budget and Finance.

Your Committee finds that this measure will support the significant research, public education, and historic preservation efforts of the State of Hawaii Museum of Natural and Cultural History.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 699, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 699, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 745 Ways and Means on S.B. No. 885

The purpose and intent of this measure is to increase the income ceiling to qualify for the low-income household renters income tax credit and increase the amount of the tax credit per qualified exemption.

Your Committee received testimony in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, League of Women Voters of Hawaii, Catholic Charities Hawaii, Americans for Democratic Action Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Alliance for Progressive Action, IMUAlliance, Chamber of Commerce Hawaii, and five individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the low-income household renters tax credit amount has not been changed since 1981, and the adjusted gross income ceiling has not been adjusted since 1989.

Your Committee further finds that basing the income threshold for the income tax credit for low-income renters on the taxpayer's filing status will ensure efficient and fair administration of the tax credit.

Your Committee has amended this measure by:

- (1) Changing the income threshold amount from \$60,000 for all taxpayers to \$30,000 for single filers or married filers filing separately, \$45,000 for head of household filers, and \$75,000 for joint filers;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making this measure applicable to taxable years beginning after December 31, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 885, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 885, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 13. Noes, none. Excused, none.

# SCRep. 746 Ways and Means on S.B. No. 965

The purpose and intent of this measure is to extend the tax credit for research activities to an unspecified date and to increase the amount of the tax credit from one hundred percent to one hundred twenty-five percent of the allowed federal tax credit.

Your Committee received testimony in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Makai Ocean Engineering, Inc.; Maui Chamber of Commerce; and one individual.

Your Committee received comments on this measure from the Department of Taxation, Hawaii Technology Development Corporation, and Tax Foundation of Hawaii.

Your Committee finds that state investments made through tax credits should be awarded to businesses that not only conduct research and development in Hawaii, but also remain in Hawaii after claiming the tax credits.

Your Committee has amended this measure by:

- (1) Adding a recapture provision for businesses or taxpayers that claim the tax credit and leave the State within five years;
- (2) Repealing the June 30 deadline for a qualified high technology business to file the annual survey required for claiming the tax credit;
- (3) Changing the proportions of the federal tax credit that are allowed to be claimed to unspecified amounts; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 965, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 965, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

#### SCRep. 747 Ways and Means on S.B. No. 985

The purpose and intent of this measure is to issue special purpose revenue bonds to assist Pearl Harbor Floating Drydock, LLC, in the construction of a purpose-built floating drydock to service submarines and surface ships at Pearl Harbor.

Your Committee received testimony in support of this measure from Chamber of Commerce Hawaii; Pacific Marine & Supply Company, Ltd; Ship Repair Association of Hawaii; and two individuals.

Your Committee received comments on this measure from the Department of Budget and Finance; the Department of the Attorney General; and one individual.

Your Committee finds that supporting this industrial enterprise project will enhance ship repair capacity within the State and stimulate long-term economic benefits by keeping a greater number of submarine and surface ship repair projects in Hawaii.

Your Committee has amended this measure by:

- (1) Redesignating the statutory authority under which the special purpose revenue bonds may be issued, pursuant to this measure, to Part V, rather than Part III, of chapter 39A, Hawaii Revised Statutes, as the project supported by this bill is intended to service, rather than construct, submarines and surface ships;
- (2) Changing all references to "manufacturing enterprise" to instead reference "industrial enterprise" in conformance with part V, chapter 39A, Hawaii Revised Statutes; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 985, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 985, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kidani, Taniguchi).

# SCRep. 748 Ways and Means on S.B. No. 1069

The purpose and intent of this measure is to reduce noise pollution over residential areas.

Specifically, this measure provides helicopter owners or operators an incentive to retrofit their helicopters with noise-canceling technology by:

- (1) Establishing a tax credit for taxpayers who install a helicopter noise-canceling technology system on a helicopter owned by the taxpayer and operated primarily within the State during the taxable year; and
- (2) Prohibiting commercial flights of tour helicopters within one mile of a residential neighborhood between 6:00 p.m. and 8:00 a.m. from Mondays through Saturdays, or between 6:00 p.m. and 9:00 a.m. on Sundays and holidays.

Your Committee received testimony in support of this measure from the County of Hawaii Mayor's Office and numerous concerned individuals.

Your Committee received comments on this measure from the Department of Taxation, Department of the Attorney General, and Tax Foundation of Hawaii.

Your Committee finds that tour helicopters generate loud noise that could have a disruptive impact on the quality of life for Hawaii residents.

Your Committee has amended this measure by:

- (1) Providing that a qualified taxpayer shall not claim more than one tax credit per helicopter;
- (2) Requiring a taxpayer claiming a helicopter noise-canceling technology system tax credit to furnish the Department of Taxation a certification from a qualified inspector or other qualified person that the helicopter and the helicopter's noise-canceling technology system meet the noise reduction requirement to qualify for the tax credit;
- (3) Postponing the date that the tax credit would be available from taxable years beginning after December 31, 2018, to taxable years beginning after December 31, 2019;
- (4) Clarifying that for purposes of qualifying for the tax credit, the maximum sound level of a helicopter shall be measured at an unspecified number of feet from the helicopter:
- (5) Clarifying that commercial flights of tour helicopters within one mile of residential neighborhoods shall be prohibited except between 8:00 a.m. and 6:00 p.m. on Monday through Saturday, or between 9:00 a.m. and 6:00 p.m. on Sunday or a state holiday;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1069, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1069, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13; Ayes with Reservations (Inouye, Kanuha, Kidani, Moriwaki, Taniguchi). Noes, none. Excused, none.

#### SCRep. 749 Ways and Means on S.B. No. 394

The purpose and intent of this measure is to amend the way Hawaii taxes multistate businesses.

More specifically, this measure apportions business income by using only the taxpayer's sales factor, rather than the average of the taxpayer's property, payroll, and sales factors.

Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that, for income tax purposes, most states including Hawaii have adopted the Uniform Division of Income for Tax Purposes Act (UDITPA). Under UDITPA, codified under state law as part II of chapter 235, Hawaii Revised Statutes, a taxpayer is required to compute a property factor, which is a fraction representing the amount of property in Hawaii versus elsewhere; a payroll factor, which is a fraction measuring Hawaii payroll; and a sales factor, a fraction which measures Hawaii sales. The amount of net income apportioned to Hawaii is then the net income from operations everywhere multiplied by the average of the property, payroll, and sales factors. Your Committee further finds that some states have amended their versions of UDITPA to disregard the property and payroll factors, and apportion business income based solely on a taxpayer's sales factor.

Your Committee has amended this measure by:

- (1) Inserting provisions from S.B. No. 1270 to adopt market-based sourcing for the sale of services and intangible property for purposes of apportioning income under the Uniform Division of Income for Tax Purposes Act; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 394, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 394, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

#### SCRep. 750 Ways and Means on S.B. No. 579

The purpose and intent of this measure is to provide tax relief to low-income households.

Specifically, this measure:

- (1) Amends the allowable income tax credit for low-income household renters to an unspecified amount;
- (2) Makes the earned income tax credit refundable for ten taxable years after December 31, 2019; and
- (3) Amends the allowable amount of the refundable food/excise tax credit to an unspecified amount.

Your Committee received testimony in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Americans for Democratic Action Hawaii, HACBED, League of Women Voters, IMUAlliance, Hawaii Appleseed Center for Law and Economic Justice, and two individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure would provide financial relief to the thirty-five thousand families in the State that a recent report found were "food insecure," meaning they have had trouble obtaining adequate food and, in some cases, have gone hungry.

Your Committee has amended this measure by:

- (1) Removing provisions that make the earned income tax credit refundable;
- (2) Extending the sunset date of the earned income tax credit to December 31, 2029;
- (3) Providing that the changes to the tax credits in the measure shall apply to taxable years beginning after December 31, 2019;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for the purpose of style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 579, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 579, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Moriwaki, Taniguchi, Fevella).

# SCRep. 751 Commerce, Consumer Protection, and Health on S.B. No. 225

The purpose and intent of this measure is to specify that a certified ocularist, certified by a nationally recognized ocularist certifying board, may perform duties within the scope of that certification.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals.

Your Committee finds that there is only one board certified ocularist in Hawaii. This measure gives more certified ocularists the opportunity to practice in Hawaii by expanding the existing law to include those ocularists certified by the American Board of Ocularistry, the National Examining Board of Ocularists, or any other nationally recognized ocularistry certifying board.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 225, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 225, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

#### SCRep. 752 Commerce, Consumer Protection, and Health on S.B. No. 269

The purpose and intent of this measure is to enable condominium associations to adopt rules and regulations that:

- (1) Require unit owners to prohibit smoking inside a condominium unit as part of a lease agreement; and
- (2) Prohibit smoking on a lanai of a condominium unit and in all common elements.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Public Health Institute, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and seven individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance and sixteen individuals. Your Committee received comments on this measure from Associa and one individual.

Your Committee finds that individuals who live in multi-unit housing are especially susceptible to involuntary exposure to secondhand smoke. Data shows that tobacco use is slightly higher among those living in multi-unit housing compared to single-family homes. Among those living in multi-unit dwellings with no smoking rules, approximately 34.4 percent experienced incursions of secondhand smoke from neighbors or somewhere in the building. Hawaii's relatively high volume of multi-unit housing dwellers leaves many in vulnerable situations.

Your Committee further finds that secondhand smoke exposure is causally linked to adverse health outcomes among non-smokers, including heart disease, stroke, lung cancer in adults, and increased risk of severe asthma attacks, respiratory infections, and sudden infant death syndrome in children. Smoke-free policies are becoming the public norm, and the only way to effectively eliminate exposure to dangerous secondhand smoke is to prohibit tobacco use altogether. This measure supports a public health strategy toward comprehensive protections against involuntary exposure to secondhand smoke for those living in condominiums. Additionally, this measure protects unit owners from the high cost associated with the removal and damage caused by third-hand smoke.

Your Committee has heard the concerns raised in testimony that this measure's prohibition against smoking is limited only to tenants and will therefore have little impact on condominium projects that have a high percentage of owner-occupied units. Your Committee understands these concerns and concludes that amendments to this measure are needed.

Your Committee has amended this measure by:

- (1) Clarifying that condominium associations may adopt rules and regulations prohibiting smoking in all units and the entire condominium project by all persons; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 269, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 269, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

# SCRep. 753 Commerce, Consumer Protection, and Health on S.B. No. 385

The purpose and intent of this measure is to repeal defaults on student loans, student loan repayment contracts, and scholarship contracts as grounds for sanctioning professional and vocational licensees.

Your Committee received testimony in support of this measure from the American Nurses Association in Hawaii. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that Hawaii is one of only several states that allow the denial, revocation, or suspension of a professional or vocational license based on student loan defaults. This means that a licensee who has incurred tens of thousands of dollars of debt for a professional degree and passed all subsequent licensing examinations could be barred from practicing, making any prospect of repayment even more difficult. This measure aligns Hawaii with the majority of states by repealing student loan defaults as grounds for a license denial, suspension, or revocation.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 385, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 385, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

#### SCRep. 754 Commerce, Consumer Protection, and Health on S.B. No. 770

The purpose and intent of this measure is to require a high school education or its equivalent as a condition for obtaining a license as a real estate broker or real estate salesperson.

Your Committee received testimony in support of this measure from the Real Estate Commission, Hawai'i Association of REALTORS, and one individual.

Your Committee finds that one of the purposes of the Hawaii Regulatory Licensing Reform Act is to protect public welfare, rather than the regulated profession or vocation. This policy was reiterated upon establishment of the Real Estate Commission whose purpose includes the protection of the general public in its real estate transactions. According to testimony from the Real Estate Commission, requiring a high school diploma or its equivalent as a condition for obtaining a license ensures an educated licensee population in order to protect consumers in their real estate transactions, which is one of the most important financial decisions in many people's lives. This measure supports efforts to help raise the bar of professionalism in the real estate industry by establishing a minimum educational requirement.

Your Committee has amended this measure by clarifying that this measure shall apply only to new applicants who are applying for licensure as a real estate broker or salesperson for the first time on or after the July 1, 2020, effective date and for first license renewal applications commencing in 2020.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 770, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 770, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

#### SCRep. 755 Commerce, Consumer Protection, and Health on S.B. No. 777

The purpose and intent of this measure is to clarify the list of acceptable institutions or organizations that can approve the continuing education courses needed by naturopathic physicians for license renewal.

Your Committee received testimony in support of this measure from the Board of Naturopathic Medicine, Hawaii Society of Naturopathic Physicians, and eight individuals.

Your Committee finds that the Board of Naturopathic Medicine (Board) is authorized to require continuing education requirements for renewal of naturopathic licenses. However, the Board has found it extremely challenging to evaluate and approve continuing education courses because the definition of "continuing education courses" under existing law does not include courses approved by other jurisdictions' naturopathic regulatory boards, colleges, or institution of naturopathic medicine programs accredited by the Council on Naturopathic Medical Education. This has led to a significant decrease in acceptable continuing education courses that Hawaii-licensed naturopathic physicians may use to meet the Board's continuing education requirements. Furthermore, if naturopathic physicians are unable to renew their licenses, this may lead to a disruption of patient care. This measure clarifies which courses are acceptable and expands options to help licensees meet their continuing education requirements.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 777, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 777, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

# SCRep. 756 Commerce, Consumer Protection, and Health on S.B. No. 806

The purpose and intent of this measure is to amend money transmitter licensure requirements by adding a credit report and extending personal background history from five years to ten years, which will enable the Division of Financial Institutions to join a compact of states that license money transmitters.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that applications for a money transmitter license must be made through the Nationwide Multistate Licensing System, also referred to as NMLS, the sole nationwide platform that provides for information-sharing among regulators to increase efficiencies for regulatory jurisdictions and enhance consumer protection. A compact of twenty-one states have agreed to accept each other's findings on standardized key areas of the licensing process, which will promote greater efficiency and alleviate the regulatory burden for money transmitters applying for licenses in multiple states. This measure therefore enables Hawaii to join this compact of states with standardized licensing laws.

Your Committee has amended this measure by:

- (1) Inserting language authorizing the Insurance Commissioner to conduct a financial responsibility review of the applicant as part of the licensing process; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 806, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 806, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

# SCRep. 757 Commerce, Consumer Protection, and Health on S.B. No. 1288

The purpose and intent of this measure is to:

- (1) Provide for the use of an electronic voting device instead of a secret ballot in condominium association meetings; and
- (2) Require a condominium board to take reasonable steps to ensure secrecy and integrity of the votes, and that an audit trail be available after the meeting.

Your Committee received testimony in support of this measure from the Hawai'i State Association of Parliamentarians Legislative Committee, Community Associations Institute Legislative Action Committee, Hawaii Council of Associations of Apartment Owners, Palehua Townhouse Association, Associa, and four individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that numerous Hawaii condominium associations have a secret ballot requirement that is commonly met by using paper ballots. Larger association board elections can take hours, and the results are often inaccurate due to human error in the counting process. Paper ballots can be easily compromised, are more susceptible to fraud, can be lost or left with another owner resulting in unauthorized or unregulated proxy voting, and can pose quorum concerns.

Your Committee further finds that technologies for electronic voting devices continue to improve, but amending association governing documents can be costly and time consuming and existing law has not been updated to authorize condominium associations to utilize these available technologies. Should a condominium association choose to utilize electronic voting technologies, this measure authorizes the use of electronic voting devices and provides reasonable procedures for ensuring security and integrity in the election process. Your Committee further notes that this measure does not mandate the use of electronic voting technologies, but provides condominium associations with a tool to conduct more efficient meetings and elections.

Your Committee has amended this measure by:

- (1) Clarifying that electronic voting devices may be used in any condominium association meeting regardless of whether a secret ballot is involved or required; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1288, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1288, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

### SCRep. 758 Commerce, Consumer Protection, and Health on S.B. No. 203

The purpose and intent of this measure is to clarify that pharmacists may perform certain vaccinations or immunizations and are required to maintain immunization records.

Your Committee received testimony in support of this measure from the Board of Pharmacy, University of Hawai'i at Hilo Daniel K. Inouye College of Pharmacy, Hawaii Immunization Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and ten individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the ability to provide access to care by trained pharmacists in a timely manner is vital to ensuring the health and welfare of the consumers of this State. Pharmacists are among the most accessible heath care providers in the community and are conveniently located in urban and rural communities. Pharmacists are currently authorized to administer the human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine to persons between the ages of eleven and seventeen years of age. Pharmacists in Hawaii have been administering the influenza vaccine for years and during the 2016 Hepatitis A outbreak, were able to administer the Hepatitis A virus vaccine. Access to pharmacists thus played a major role in ensuring that many people were protected in a timely manner. This measure increases availability of vaccines to adolescents and adults and recognizes pharmacists' expanded presence in the immunization health care arena.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 203 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

#### SCRep. 759 Commerce, Consumer Protection, and Health on S.B. No. 541

The purpose and intent of this measure is to:

- (1) Simplify the definition of "manufactured cannabis product" for purposes of clarity; and
- (2) Ensure access to medical cannabis for qualifying patients by replacing the term "transdermal patches" with the term "transdermal devices".

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received comments on this measure from the Akamai Cannabis Clinic.

Your Committee finds that simplifying the definition of "manufactured cannabis product" removes redundancies in the Hawaii Revised Statutes and clarifies which medical cannabis products may be manufactured and distributed by Hawaii dispensaries.

Your Committee further finds that ensuring access to multiple delivery systems of medical cannabis is integral to increasing quality of care for medical cannabis users. Transdermal delivery is advantageous for certain medical cannabis users because it avoids the effects of oral ingestion and can ensure stable levels of the drug in a patient's bloodstream over long periods of time. Your Committee further finds that the Medical Cannabis Legislative Oversight Working Group has recommended updating transdermal patches to transdermal devices to increase the viable methods of medication delivery and take advantage of recent developments in transdermal delivery mechanisms. However, your Committee notes the concerns of the Department of Health that not all transdermal devices are appropriate for patient use of medical cannabis and finds that department oversight to ensure patient safety is warranted.

Your Committee has amended this measure by:

- (1) Limiting the manufacture and distribution of transdermal devices to those approved by the Department of Health; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 541, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 541, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

#### SCRep. 760 Commerce, Consumer Protection, and Health on S.B. No. 543

The purpose and intent of this measure is to clarify the requirement for a motor vehicle insurer to maintain a complete sales and claims service office does not apply to the County of Kalawao.

Your Committee received testimony in support of this measure from the Hawaii Insurers Council, State Farm Insurance Company, and one individual.

Your Committee finds that under existing law, motor vehicle insurers must maintain a "brick and mortar" sales and claims service office, although licensed producers of motor vehicle insurers are able to satisfy this requirement by establishing and maintaining a sales and claims office in every county in which the insurer does business. However, when this exception to the complete sales and claims office requirement was passed, the County of Kalawao was not excluded. Your Committee notes that the County of Kalawao is the smallest county in the country. There are no driver's licenses issued by the county and, due to the limited number of vehicles, no insurance agent offices. Requiring a sales and claims agent in the County of Kalawao is therefore an unnecessary expense with no benefit. Accordingly, this measure excludes the County of Kalawao from the complete sales and claims office requirement and the county office exception under the State's motor vehicle insurance code.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 543 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

# SCRep. 761 Commerce, Consumer Protection, and Health on S.B. No. 549

The purpose and intent of this measure is to require restaurants that sell children's meals which include a beverage to make the default beverage a healthy beverage beginning January 1, 2020.

Your Committee received testimony in support of this measure from the Department of Health; American Heart Association; American Diabetes Association; Hawai'i Public Health Association; Hawai'i Public Health Institute; Blue Zones Project-Hawaii; Ka Ohana O Na Pua; Hawaii Dental Hygienists' Association; Hawai'i Primary Care Association; Kaho'omiki, Hawai'i Council on Physical Activity and Nutrition; We Are One, Inc.; Hawaii Children's Action Network; Hawaii Association for Health, Physical Education, Recreation, and Dance; fifty-seven individuals; and a petition signed by two hundred twelve individuals. Your Committee received comments on this measure from the Hawai'i Restaurant Association and American Beverage Association.

Your Committee finds that over the past thirty years, Hawaii has experienced an unprecedented increase in obesity and chronic conditions like type 2 diabetes, heart disease, liver disease, and tooth decay. Sweetened sugary drinks have been identified by numerous scientific studies as a major contributor to the obesity epidemic, and the Centers for Disease Control and Prevention recommends decreasing sugar sweetened beverages to prevent and reduce obesity. Requiring retail food establishments to provide a healthy default beverage as part of a children's meal encourages healthier choices when families eat outside the home.

Your Committee has amended this measure by:

- (1) Expanding the definition of "restaurant";
- (2) Adding a definition of "one hundred per cent fruit juice or vegetable juice" and including this in the list of default beverages;
- (3) Clarifying the permissible types of milk and non-dairy beverages that may be offered as a default beverage;
- (4) Clarifying that no sugar or corn syrup can be added to the default beverage options of flavored water or fruit;
- (5) Specifying that the Department of Health may levy fines for violations; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 549, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 549, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

#### SCRep. 762 Commerce, Consumer Protection, and Health on S.B. No. 725

The purpose and intent of this measure is to specify that a condominium association's proxies and ballots may be destroyed ninety days, rather than thirty days, after an association meeting.

Your Committee received testimony in support of this measure from Associa, Hawaii Council of Associations of Apartment Owners, Palehua Townhouse Association, and four individuals.

Your Committee finds that many condominium associations' election documents are maintained by property management companies, which may digitize and archive those documents. This measure extends the period of time before physical election documents are destroyed to ensure ample time for an interested party to review election results without imposing an undue burden or hardship on the property management company or the association.

Your Committee has amended this measure by clarifying that in the event of a contested election, the documents shall be retained until resolution of the contested election.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 725, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 725, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

# SCRep. 763 Commerce, Consumer Protection, and Health on S.B. No. 772

The purpose and intent of this measure is to:

- (1) Repeal the requirement that a clear and legible notice, placecard, or marker be attached to a faucet, spigot, or outlet from which draft beer is drawn; and
- (2) Require definitions adopted by the counties related to stacking of beer to refer to a standard serving of total volume and beer standard size servings to be limited to forty-four ounces of total volume before a customer at any one time.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild, Maui Brewing Company, Honolulu Beerworks, Lanikai Brewing Company, Beer Lab HI, INU Island Ales, Big Island Brewhaus, REAL gastropub/Bent Tail Brewing Company, and Waikiki Brewing Company. Your Committee received testimony in opposition to this measure from the Hawai'i Alcohol Policy Alliance, Hawaii Partnership to Prevent Underage Drinking, and eight individuals. Your Committee received comments on this measure from the City and County of Honolulu Liquor Commission.

Your Committee finds that existing law prohibits licensees or employees from selling draft beer unless it is dispensed from a spigot with an individual tap handle showing the manufacturer's name or brand that is visible within ten feet of the spigot. This requirement is antiquated and not up to date with digital technology or simpler display methods that allow small craft breweries and tap rooms to provide significantly more information to consumers than what is on a tap handle. Furthermore, tap handles are costly and burdensome, especially for small, independent craft breweries that only sell their own beer or provide seasonal brews or specialty offerings that are only on tap for a few days or weeks of the year. Therefore, this measure allows beer taps to be identified via other means and reduces the burden on owners of businesses serving craft beer.

Your Committee further finds that stacking rules, which limit the number of alcoholic beverages that can be in front of a single consumer at any one time, are not uniform amongst the counties. These rules also prohibit smaller craft breweries from serving smaller samples, typically four to six ounces per glass, of a variety of their offerings to a consumer at a single time. Serving flights of smaller volume helps breweries to grow their businesses as craft beer consumers try new, specialty, and seasonal beer choices. This measure defines and standardizes stacking based on a total volume of forty-four ounces, rather than the number of glasses, that can be served at one time.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 772 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

# SCRep. 764 Commerce, Consumer Protection, and Health on S.B. No. 1211

The purpose and intent of this measure is to remove the requirement that a vehicle protection product warrantor and a service contract provider submit to the Insurance Commissioner a copy of each warranty or service contract form proposed for use in the State.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and Motor Vehicle Protection Products Association.

Your Committee finds that, currently, vehicle protection product warrantors and service contract providers must annually submit a copy of each warranty or service contract form proposed for use in the State. However, the Insurance Commissioner does not have the regulatory authority or expertise to approve these forms. This measure removes this submission requirement and prevents any misconception by warrantors, service contract providers, or the public that the Insurance Commissioner has inspected and approved the warrantor forms or service contract forms for use. This measure also reduces the regulatory burden for warrantors and service contract providers and reduces the Insurance Commissioner's administrative expenses and duties to scan and store all the forms.

Your Committee notes that this measure does not remove other contract and disclosure requirements that protect consumers, nor does it eliminate the power of the Insurance Commissioner to investigate or enforce existing laws concerning service contracts and vehicle protection products.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1211 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

#### SCRep. 765 Commerce, Consumer Protection, and Health on S.B. No. 1243

The purpose and intent of this measure is to update definitions and terminology related to the State newborn hearing screening program and mandate reporting of diagnostic audiologic evaluation results to the Department of Health to improve appropriate follow-up for infants identified as deaf or hard of hearing.

Your Committee received testimony in support of this measure from the Department of Health, Disability and Communication Access Board, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from Kaiser Permanente Hawaii.

Your Committee finds that under existing law, the State newborn hearing screening program is unable to routinely access diagnostic audiologic evaluation results. Identifying and following up with families of infants who are deaf, or hard of hearing are especially important in Hawaii, as data show the incidence of infants who are born deaf or hard of hearing in the State is about twice the incidence in other States. Missing diagnostic audiologic evaluation results also cause great delay for entry into much-needed early intervention services. Enrollment in early intervention services is critical for deaf or hard of hearing children to develop language and social skills and increase school readiness.

Your Committee notes that the provision of all audiological reports to the Department of Health is not the purpose of this measure. Rather, only the diagnostic audiologic reports related to follow-up of newborns who did not pass newborn hearing screening or when an infant's hearing status changes need to be provided to the Department of Health. These reports will enable the Department to follow up with parents in an appropriate and timely manner with the goal of increasing awareness of and access to early intervention options.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1243, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1243, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

#### SCRep. 766 Commerce, Consumer Protection, and Health on S.B. No. 1263

The purpose and intent of this measure is to update section 329-38(i), Hawaii Revised Statutes, to be consistent with federal law by allowing the use of either words or figures to indicate quantity on electronic prescriptions.

Your Committee received testimony in support of this measure from the Department of Public Safety, Kaiser Permanente Hawaii, and Greenwich Biosciences. Your Committee received comments on this measure from Akamai Cannabis Clinic.

Your Committee finds that existing state law requires words and figures be used to indicate quantity on all prescriptions for controlled substances, whereas federal law allows words or figures. According to testimony from the Department of Public Safety, many electronic prescription programs conform with federal law and therefore do not have the capability to use both words and figures. As a result, electronic prescriptions may be rejected and must be reissued in written form, by fax, or telephonically. This measure conforms Hawaii electronic prescription requirements with federal regulations, thereby reducing barriers to electronic prescription use in the State.

Your Committee has amended this measure by:

- (1) Amending the Controlled Substances Act to make it consistent with amendments in the federal controlled substances law by including a Schedule V controlled substance used to treat certain childhood-onset epilepsy patients; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1263, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1263, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

# SCRep. 767 Commerce, Consumer Protection, and Health on S.B. No. 1328

The purpose and intent of this measure is to require drug manufacturers to notify prescription drug benefit plans and pharmacy benefit managers of any planned increase in the wholesale price of certain drugs that would result in a sixteen percent or more increase over any two-year period.

Your Committee received testimony in support of this measure from the Hawaii Medical Service Association, Kaiser Permanente Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Pharmaceutical Research and Manufacturers of America. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that one of the greatest threats to the affordability of health care coverage is the pharmaceutical industry's pricing of new and existing medications. According to testimony received by your Committee, between 2015 and 2018, overall drug spending for Hawaii members of a particular health maintenance organization increased one hundred forty-six percent for that organization's specialty pharmacy. New drugs are being approved and marketed at higher prices than their predecessor treatments, often with no difference in effectiveness or safety. Your Committee notes that hospitals and health plans report pricing information. It is therefore appropriate for pharmaceutical manufacturers to do the same when implementing major price increases. This measure will promote transparency in drug pricing and is an important step toward controlling excessive costs for prescription drugs.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1328 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

# SCRep. 768 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1077

The purpose and intent of this measure is to create greater accountability of the state correctional system by requiring the Director of Public Safety to report to the Governor and Legislature any death of an inmate or employee of a correctional facility.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Ho'omanapono Political Action Committee, and one individual. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Police Department. Your Committee received comments on this measure from the Department of Public Safety, Department of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that inmates in state or state-contracted correctional facilities have died while incarcerated with questions surrounding their cause of death. Your Committee heard testimony that in addition to this measure's reporting requirement, the State should consider conducting a special investigation surrounding all deaths. Special investigations would allow for additional data from rape test kits, documented disabilities, and other events leading up to the death to help determine the cause of death, particularly in cases of suicide.

Your Committee has amended this measure, as suggested by the Attorney General, by:

- Stating that the Director of Public Safety has discretion to withhold any information protected by state or federal law pending next-of-kin notification, rather than discretion to only withhold the decedent's name; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1077, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1077, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 769 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on S.B. No. 1423

The purpose and intent of this measure is to allow defendants for whom a monetary amount of bail has been set to be able to pay the bail amount twenty-four hours per day, seven days per week and be released from custody upon posting or payment of bail at any time.

Your Committees received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, Community Alliance on Prisons, Democratic Socialists of Honolulu, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Drug Policy Forum of Hawaii, and two individuals.

Your Committees find that in Hawaii, defendants can only post bail or bond and be released during normal business hours, which often results in defendants having to wait to make a request in court to be released or go through a bail agent to file a surety bond.

Your Committees also find that defendants who are able to post bail or bond should not be detained simply because of an administrative barrier requiring that bail or bond be payable only during normal business days and hours. In accordance with other jurisdictions that have expanded the timeframe in which bail may be posted and defendants released, your Committees find that

defendants should be allowed to pay the bail amount twenty-four hours per day and seven days per week and be released from custody upon posting or payment of bail if the defendant is not a flight risk or otherwise pose a danger to the community.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1423 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 770 Judiciary on S.B. No. 2

The purpose and intent of this measure is to:

- (1) Prohibit defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter unless the other circumstances of a defendant's explanation are already sufficient to reasonably find extreme mental or emotional disturbance; and
- (2) Require the court to instruct the jury to disregard bias and prejudice regarding gender, gender identity, gender expression, or sexual orientation when a defendant's explanation of extreme mental or emotional disturbance includes discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, LGBT Caucus of the Democratic Party of Hawaii, Americans for Democratic Action, Human Rights Campaign, Rainbow Family 808, and nineteen individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that over the years, members of the LGBTQIA community have suffered significant discrimination, prejudice, and other related hardships. Your Committee additionally finds that no one should be targeted as a victim based on bias against their actual or perceived gender, gender identity, gender expression, or sexual orientation. This measure will prevent a defendant from claiming that the discovery of a victim's gender, gender identity, gender expression, or sexual orientation caused extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 771 Judiciary on S.B. No. 413

The purpose and intent of this measure is to specify that, for purposes of making a complaint for criminal trespass in the second degree on commercial premises, evidence of a prior "reasonable warning or request" to leave the premises may be evidenced by a copy of the previously issued written warning or request, whether or not the copy is posted at the premises or retained by the county police department.

Your Committee received testimony in support of this measure from the Retail Merchants of Hawaii and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the execution of criminal trespass laws for persons who have entered or remained unlawfully on another's commercial property has become unnecessarily complex. Your Committee further finds that police officers enforcing the law against a person who has previously been issued a reasonable warning or request to leave and who subsequently violates that warning or request have sometimes required the owner or lessee of the commercial premises to be present and in possession of the original copy of the prior written warning or request to leave, before allowing a complaint to be made. This measure will clarify that a copy of a reasonable warning or request is sufficient for the purposes of making a complaint for criminal trespass in the second degree on commercial premises. Additionally, your Committee notes that the original reasonable warning or request must have been legitimate for a copy of that request to suffice for the purposes of making a complaint.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 413 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 772 Judiciary on S.B. No. 558

The purpose and intent of this measure is to allow parties to a marriage or civil union to choose any middle or last name to use upon the marriage or civil union.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and three individuals.

Your Committee finds that existing law allows spouses in a marriage or partners in a civil union to declare the middle and last names each will use upon marriage or civil union, as long as the middle or last name chosen by each was legally used at any time, past

or present, by either spouse or partner. This measure will provide more flexibility for married persons or civil union partners by allowing them to choose any middle or last name, regardless if it was legally used by either party, upon marriage or civil union.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 558 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 773 Judiciary on S.B. No. 1342

The purpose and intent of this measure is to establish restrictions on donative transfers to protect transferors from coercive, exploitative, or otherwise improper transfers benefitting persons involved with drafting the transfer instrument or persons who have significant influence over the transferor.

Your Committee did not receive any testimony on this measure.

Your Committee finds that a donative transfer is the means by which an individual may transfer a gift of property to another and includes wills, trusts, and other legal documents. Your Committee further finds that donative transfers to others with whom the drafter of the transferring instrument is in a special relationship, due to blood, marriage, business, or a legal relationship, run the risk of the donative transfer being subject to undue influence. This measure enacts safeguards to ensure that a donative transfer represents the intention of the transferor and is not compromised by an act of the transferee.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1342 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 774 Labor, Culture and the Arts on S.B. No. 292

The purpose and intent of this measure is to require that a contractor contracting for services with a civil servant submit certified payrolls and comply with certain wages and hours laws.

Your Committee received testimony in support of this measure from the Hawai'i Construction Alliance, Hawaii Regional Council of Carpenters, Pacific Resource Partnership, Hawaii Laborers-Employers Cooperation and Education Trust, and LiUNA Local 368. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Design and Construction.

Your Committee finds that service employees of contractors under state or county contracts require greater wage protection than is currently afforded. Unlike chapter 104, Hawaii Revised Statutes, which covers public works construction, section 103-55, Hawaii Revised Statutes, does not provide sufficient provisions to ensure compliance. Without greater wage protection, contractors bidding on government service contracts can reduce their bid price by not appropriately compensating workers. This measure requires that contractors of service employees under state or county contracts submit certified payrolls and comply with certain wage laws, which will ensure that workers on government service contracts are accurately and appropriately compensated.

Your Committee notes that professional service contracts are excluded from the certified payroll requirements and that the intent is that this requirement is limited to construction contracts.

Your Committee has amended this measure by:

- (1) Specifying that the requirement for certified payrolls applies to service contracts in excess of \$500,000; and
- (2) Inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 292, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 292, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 775 Judiciary on S.B. No. 138

The purpose and intent of this measure is to add a campaign spending report filing deadline of October 1st during a general election year for candidates and candidate committees.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and League of Women Voters of Hawaii.

Your Committee finds that current, accurate information about candidate spending is important to ensuring a well-informed electorate. Your Committee further finds that currently, after the final primary report that is due twenty days after the primary election, a voter will not be able to access more current information about a candidate's spending until the filing of the preliminary general report due ten days before the general election. Your Committee additionally finds that, because absentee ballots are mailed to voters approximately twenty-one days before a general election, voters who choose to vote by mail may not have access to current campaign finance information at the time that they cast their vote. This bill will add a campaign spending report filing deadline at the beginning of October to ensure that voters receive current candidate spending information before they receive their absentee ballots.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 138 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 776 Judiciary on S.B. No. 107

The purpose and intent of this measure is to:

- (1) Provide that the ballot of an absentee or military-overseas voter is valid even if the voter becomes ineligible to vote after casting the ballot; and
- (2) Repeal the requirement that an absentee voter's ballot be deemed invalid if the voter returns the return envelope but dies prior to the opening of the polls.

Your Committee did not receive any testimony on this measure.

Your Committee finds that many voters who cannot physically go to a polling place rely on absentee ballots in order to vote. Your Committee further finds that this includes service members of the United States military who are residents of Hawaii but are serving overseas. Your Committee additionally finds that circumstances can arise in which a person who is eligible to vote casts their vote using an absentee ballot but becomes ineligible to vote after casting their ballot. This measure ensures that such votes will be properly counted.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 107, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 107, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 777 Judiciary on S.B. No. 1173

The purpose and intent of this measure is to bring the State of Hawaii into compliance with federal law to maintain eligibility for federal funding of child support enforcement programs.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that pursuant to title 42 United States Code section 666(b)(6)(D), each state must have in effect laws requiring the imposition of a fine against any employer who:

- (1) Discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding; or
- (2) Fails to withhold support from income or pay the amounts to a child support agency.

Your Committee further finds that under title 42 United States Code section 654(6)(B)(ii), each state must increase the annual collection fee from \$25 to \$35 assessed on all state child support enforcement cases that are subject to title IV section D of the Social Security Act and have not received assistance under the state Temporary Assistance for Needy Families program. Federal law also revised the amount that a state must collect and disburse to the family from \$500 to \$550 before imposing the collection fee each federal fiscal year.

Your Committee finds that compliance with these requirements is necessary to maintain eligibility for federal funding of child support enforcement programs. In addition, your Committee finds that amending the income withholding requirements increases the effectiveness of the income withholding process and protects the obligor parent from employment discrimination if the obligor parent has an income withholding order issued against them.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1173, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1173, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 778 Judiciary on S.B. No. 325

The purpose and intent of this measure is to clarify that evidence demonstrating an alleged parent's non-consent to an artificial insemination procedure that resulted in the birth of a child may be introduced as evidence relating to paternity.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Hawaii Supreme Court's recent majority opinion in LC v. MG and Child Support Enforcement Agency, 143 Hawaii'i 302 (2018), held in part that the Hawaii Uniform Parentage Act precludes a spouse from rebutting the marital presumption of parentage with evidence that demonstrates a clear and convincing lack of consent to the other spouse's artificial insemination procedure. Your Committee further finds that this holding was based on speculation regarding the Legislature's intent when it adopted the Uniform Parentage Act in 1973. This measure will clarify the issue of evidence of consent to artificial insemination within the Hawaii Uniform Parentage Act.

Your Committee has amended this measure by clarifying that evidence relating to consent to an artificial insemination procedure that resulted in the birth of a child may be introduced as evidence relating to paternity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 325, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 325, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 779 Judiciary on S.B. No. 189

The purpose and intent of this measure is to authorize the Chief Justice of the Supreme Court of Hawaii to designate circuit court judges, retired intermediate appellate judges, or retired Supreme Court justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee finds that the Intermediate Court of Appeals originally consisted of a chief judge and two associate judges. Your Committee further finds that the number of judges on the Intermediate Court of Appeals has since been increased to six as a result of significant increases in the court's caseload. Your Committee additionally finds that exiting law requires the Intermediate Court of Appeals to decide cases in panels of no fewer than three judges, and only allows the Chief Justice of the Supreme Court of Hawaii to designate temporary appellate judges if vacancies, disqualifications, or a combination of the two reduces the court to two or fewer available judges. This measure will give the Intermediate Court of Appeals the ability to continue meeting the court's substantial and complex caseload by authorizing the Chief Justice to designate judges to fill any temporary vacancy on the court.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 189, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 780 Judiciary on S.B. No. 723

The purpose and intent of this measure is to:

- (1) Allow parties to a case brought under the Uniform Parentage Act to petition the court to consolidate multiple cases, motions, or petitions involving siblings with the same parents into a single petition, without having to file a new case, motion, or petition; and
- (2) Require the Judiciary to post the titles of all filings and all minutes in paternity cases to the Judiciary's website after redacting any information in which an individual has a significant privacy interest.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that rapid and just proceedings are vital to the busy and often time-sensitive caseload of the family court in matters of paternity. Your Committee further finds that combining cases where appropriate can lead to efficient adjudication of matters before the court. However, your Committee additionally finds that the court already has the power to combine cases at the court's discretion.

Accordingly, your Committee has amended this measure by:

- (1) Removing the requirement that the court consolidate cases, motions, or petitions involving siblings with the same parents upon petition from parties;
- (2) Establishing the same confidentiality standards with regards to records and hearings for paternity cases as other cases heard by the family court;
- (3) Changing the effective date to March 15, 2094, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 723, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 723, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 781 Judiciary on S.B. No. 566

The purpose and intent of this measure is to establish the offense of unauthorized attachment of an object to a fence, gate, or wall, which is committed when a person knowingly attaches an object to a fence, gate, wall, or other structure or barrier without the owner's permission.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Honolulu Police Department.

Your Committee finds that objects, such as tents and other structures, that obstruct public sidewalks are increasingly being anchored or attached to adjacent property, such as fences belonging to private owners. Your Committee further finds that existing law does not appear to empower law enforcement officers to summarily detach these objects from private property. This measure will discourage the attachment of objects to fences and other structures without permission and facilitate the removal of objects attached in this manner.

Your Committee has amended this measure by making stylistic, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 566, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 566, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 782 Judiciary on S.B. No. 1037

The purpose and intent of this measure is to:

- (1) Amend the offense of strangulation of a family or household member to include blocking the nose or mouth of the person or applying excessive pressure to the chest; and
- (2) Clarify that infliction of visible injury is not required to establish the offense.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, AAUW of Hawaii, Domestic Violence Action Center, Parents and Children Together, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Zonta Club of Hilo, Hawaii State Coalition Against Domestic Violence, and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that strangulation is highly dangerous and potentially deadly form of abuse that frequently precedes other acts of violence. Your Committee further finds that successfully prosecuting perpetrators of strangulation can be difficult because only fifty percent of strangulation victims have visible injuries. This measure will enable more effective prosecution of strangulation cases.

Your Committee has amended this measure by:

- (1) Requiring, for the offense of strangulation, the causing of bodily injury;
- (2) Clarifying the definition of "bodily injury"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1037, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 783 Judiciary on S.B. No. 1047

The purpose and intent of this measure is to establish a five-year pilot project to strengthen state and county responses to domestic violence and increase offender accountability by:

- Amending the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense and penalties;
- (2) Reducing congestion in the court system caused by a backlog of jury trial cases by repealing a provision that would otherwise disqualify persons charged with the misdemeanor offense of abuse of a family or household member in the second degree from receiving a deferred acceptance of guilty plea under certain conditions, and specifying that the deferred acceptance shall be set aside if the defendant fails to complete a court-ordered domestic violence intervention program or parenting classes within the time frame specified by the court; and
- (3) Requiring data collection and reporting to determine the effectiveness of the pilot project by county police departments, prosecutors, and the judiciary on the number of arrests, charges, and convictions relating to domestic violence.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Hawai'i State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, LGBT Caucus of the Democratic Party of Hawaii, AAUW of Hawaii, Domestic Violence Action Center, Parents and Children Together, Hawaii State Coalition Against Domestic Violence, and three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that instances of domestic violence fall on a broad spectrum of severity. Your Committee further finds that existing domestic violence laws are often not inclusive enough to encompass the entirety of the spectrum. Your Committee additionally finds that there are occasionally instances in which the level of force utilized by the perpetrator is not sufficient to meet the criteria of abuse of family or household member. Your Committee also finds that some first offenders are willing and able to participate in domestic violence education classes; learn how to better manage stress, anger, and other negative emotions that may result in violence; and do not subsequently re-offend. This measure will create a pilot program to expand the offense of abuse of family or household member to include petty misdemeanor offenses, allow some misdemeanor domestic violence offenders to receive a deferred acceptance of guilty plea under certain circumstances, and require agencies involved in law enforcement to collect and report data relating to domestic violence.

Your Committee has amended this measure by:

- (1) Restructuring the abuse of family or household member statute to clearly differentiate between petty misdemeanor offenses and misdemeanor offenses:
- (2) Deleting language requiring the court to set aside a deferred acceptance of guilty plea or nolo contendere plea if a defendant fails to complete a domestic violence intervention program or parenting class, or otherwise violates the conditions of their plea; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1047, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1047, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 784 Commerce, Consumer Protection, and Health on S.B. No. 823

The purpose and intent of this measure is to:

- (1) Require insurers to provide a choice to the insured consumer authorizing a repair provider to utilize a like kind and quality crash part or the original equipment manufacturer crash part; and
- (2) Specify the circumstances when an insured consumer who chooses the use of an original equipment manufacturer crash part must pay the additional cost of the original equipment manufacturer crash part that is in excess of the equivalent like kind and quality crash part.

Your Committee received testimony in support of this measure from the Automotive Body and Painting Association of Hawaii, Auto Body Hawaii, and sixteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Insurers Council; National Association of Mutual Insurance Companies; GEICO; LKQ Corporation; American Property Casualty Insurance Association; Prism Group, LLC; Sigs Collision Centers; Oahu Aluminum Repair; and Mascot Auto Parts. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and State Farm Mutual Automobile Insurance Company.

Your Committee finds that Hawaii is the only state that requires claimants to pay the increased cost between a cheaper, aftermarket crash part, and the original equipment manufacturer crash parts in body repair. In the event a driver causes an accident, the insurance company insuring the driver can choose to use generic or aftermarket crash parts, and require the injured party to pay the difference in the event the injured party wants the replacement parts to be original equipment manufacturer crash parts. Because advanced driver assistance systems in vehicles are very complex and many of them are integrated with each other, proper operation may be compromised by the use of non-original equipment manufacturer parts. This measure aids in preventing additional costs to the consumer and the insurer and takes into consideration the preferences of the insured consumer.

Your Committee notes that the intent of this measure is not to discourage the use of aftermarket parts, but rather to ensure that consumers receive appropriate disclosures concerning the comparisons between and the prices of aftermarket crash parts and original equipment manufacturer crash parts.

Your Committee has heard the concerns raised in testimony that the measure lacks sufficient definitions, which may cause ambiguity and confusion, in addition to a number of comments regarding language in the purpose section.

Accordingly, your Committee has amended this measure by:

- Specifying that insurers must clearly give consumers notice, at the time the insurer offers new or renewal motor vehicle policy coverage, of the choice of whether to use a like kind and quality crash part or an original equipment manufacturer crash part for motor vehicle body repair work;
- (2) Replacing references to the term "crash avoidance" with the industry standard term "Advanced Driver Assist Systems";

- (3) Removing language that required insured consumers to pay the additional cost of the original equipment manufacturer crash part that is in excess of the equivalent like kind and quality crash part, unless original equipment manufacturer crash parts are required by the vehicle manufacturer's warranty, as federal law prohibits warranties to contain such a requirement;
- (4) Clarifying that like kind and quality parts that are both certified and approved by governmental or industry organizations shall be utilized, rather than utilized if available;
- (5) Clarifying that this measure applies to crash parts for vehicles that are not more than ten years old, rather than five years old, as of the date of the collision;
- (6) Inserting a definition of "crash part";
- (7) Clarifying the definition of "like kind and quality" to mean an aftermarket part that is not manufactured by the original vehicle manufacturer;
- (8) Updating the purpose section;
- (9) Extending its sunset date to July 1, 2029;
- (10) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 823, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 823, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 785 Commerce, Consumer Protection, and Health on S.B. No. 1212

The purpose and intent of this measure is to:

- (1) Require third party administrators to be licensed and regulated by the Insurance Commissioner; and
- (2) Authorize the Insurance Commissioner to issue targeted variances, waivers, or no-action letters under provisions of the State's insurance code.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; MDX Hawaii, Inc.; and Hawaii-Western Management Group. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice. Your Committee received comments on this measure from State Farm Mutual Automobile Insurance Company, Kaiser Permanente, and Hawaii Medical Service Association.

Your Committee finds that third-party administrators collect charges or premiums from residents in the State in connection with insurance policies, or adjust or settle claims on those policies. Hawaii is one of eight states and jurisdictions that do not regulate third-party administrators. Currently, nineteen states require third-party administrator licenses, sixteen states require certificates of registration, eight states require certificates of authority, and two states require either licenses or registrations. This measure is based on the National Association of Insurance Commissioner's Registration and Regulation of Third-Party Administrators Guideline, which offers flexible, bright line rules to help states tailor and adopt measures particular to their own needs.

This measure regulates third-party administrators, ensures adequate consumer protection, and promotes transparency of third-party administrators by requiring licensure, encouraging disclosure of contracts between insurers and third-party administrators, and promoting the financial responsibilities of third-party administrators.

Your Committee has heard the concerns raised in testimony that the ability of the Insurance Commissioner to issue targeted variances, waivers, or no-action letters, as proposed by this measure, is overly broad. According to testimony received by your Committee, this measure appears to authorize the Insurance Commissioner to broadly exempt any person or entity from almost every law in the State's Insurance Code, for any amount of time and in any scope. There are also no guidelines for consistent application of variances, transparency, or opportunity for public comment. Your Committee understands these concerns and concludes that amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have allowed the Insurance Commissioner to issue variances, waivers, or no-action letters; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1212, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1212, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

# SCRep. 786 Judiciary on S.B. No. 1039

The purpose and intent of this measure is to permit persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the penal code within three years of the original prostitution conviction.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Kaua'i, Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, American Association of University Women of Hawaii, Harm Reduction Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and IMUAlliance. Your Committee received comments on this measure from The Sex Abuse Treatment Center.

Your Committee finds that sex trafficking victims are often misidentified and criminalized by law enforcement. The existing law in Hawaii allows for sex trafficking victims to vacate prostitution convictions with proven victimization at any time within six years. However, trafficking victims face significant challenges to disclose and prove their victimization. This measure allows trafficking victims to vacate certain prostitution convictions, without proof of victimization, if the defendant is not convicted of any other prostitution offenses within three years following the original prostitution conviction. By clearing a trafficking victim's criminal record, this measure would help victims reintegrate into society, find non-exploitative employment, bring about substantial cultural reform, and send a strong message that a person's participation in prostitution is often complex and should not bar access to resources, safety, and compassion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1039 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 787 Judiciary on S.B. No. 419

The purpose and intent of this measure is to:

- (1) Raise the minimum age requirement to enter into marriage from sixteen to eighteen years of age;
- (2) Remove the parental consent and written approval by the Family Court requirements for a minor to marry;
- (3) Require, rather than permit, the Family Court to declare void the marriage contract on the ground that the parties, or either of them, had not attained the legal age of marriage at the time of the marriage;
- (4) Remove spousal cohabitation after the parties attain legal age as an exception for an annulment based on nonage; and
- (5) Make conforming amendments to reflect the change in the legal age for marriage and repeal certain parental and judicial consent requirements for marriage.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that numerous states are reviewing existing laws to consider amending the minimum age for marriage in order to protect young adults under the age of eighteen. Proponents for raising the legal age for marriage are concerned that allowing young adults, who are minors under the law, to marry may contribute to sex trafficking or marriages obtained by force or duress. One study showed that while most minors were sixteen or seventeen years of age at the time of marriage, some were as young as twelve years of age. The vast majority of these marriages were between a minor female and an adult male. Your Committee further finds that, in Hawaii, existing state law allows minors as young as sixteen years of age to marry. State law further authorizes the family court to approve a marriage of a minor of fifteen years of age. This measure amends and repeals existing law allowing minors to marry, ensuring the end of child marriage in Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 419, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 419, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 788 Commerce, Consumer Protection, and Health on S.B. No. 767

The purpose and intent of this measure is to raise the threshold under the contractor licensing law's handyman exemption from \$1,000 to \$1,500 and make it applicable only to the cost of labor.

Your Committee received testimony in support of this measure from the Hawai'i Association of REALTORS; National Association of Residential Property Managers, Oahu Chapter; National Association of Residential Property Managers, Maui Chapter; REALTORS Association of Maui, Inc.; Young Hawaii Homes, Inc.; Woodstock Properties, Inc.; Gustafson Real Estate, LLC; Lani Properties Corporation; and twenty-five individuals. Your Committee received testimony in opposition to this measure from the Painting and Decorating Contractors Association of Hawaii; Hawaii Regional Council of Carpenters; Painting Industry of Hawaii Labor Management Cooperation Trust Fund; Hawaii Tapers Market Recovery Trust Fund; Hawaii Glaziers, Architectural Metal Glassworkers Local Union 1889 AFL-CIO Stabilization Trust Fund; Carpet, Linoleum and Soft Tile Local Union 1926 Market Recovery Trust Fund; International Union of Painters and Allied Trades – District Council 50; Hawaii Building and Construction Trades Council, AFL-CIO; Electrical Contractors Association of Hawaii; Subcontractors Association of Hawaii; Abbey Carpet of Maui; Plumbing and Mechanical Contractors Association of Hawaii; Pacific Resource Partnership; Sheet Metal and Air Conditioning Contractors' Association, Hawaii Chapter; Hawaii Wall and Ceiling Industry Association; Guy's Superior Interiors, Inc.; two individuals; and a form letter signed by over one hundred fifty individuals.

Your Committee finds that handymen provide a valuable service by doing maintenance, minor jobs, and projects that are too small for a licensed contractor to take on because of their higher overhead costs. Waiting for a contractor to be available can often take months, delaying the completion of necessary jobs. Handymen are especially utilized in rural areas and neighbor islands where there is a smaller pool of contractors available. Your Committee notes that the costs of living, housing, materials, and inflation have increased since the handyman exemption was last raised in 1992; however, penalties and sanctions have increased five-fold without any increase to the exemption amount. A modest increase of the handyman exemption helps keep pace with current increases in these costs.

Your Committee has heard the testimony expressing concern that increasing the handyman exemption to \$1,500, applicable solely to labor costs, will result in far more unlicensed work, posing a risk to public health and general safety. Unlicensed contractors or handymen are not required to maintain liability or workers' compensation insurance, which potentially exposes homeowners to damages with no recourse. According to testimony received by your Committee, many contractors in the finishing trades and their union employees would be adversely affected because it would make them less competitive against an unlicensed handyman who does not have to bear the substantially greater costs of being a licensed contractor.

Accordingly, your Committee has amended this measure by:

- Clarifying that the threshold under the contractor licensing law's handyman exemption is \$1,500 per project or operation, which includes the aggregate cost of labor, materials, taxes, and other expenses, and applies only to residential repairs or minor renovation projects;
- (2) Restoring existing statutory language that specifies that the exemption does not apply in any case where a building permit is required regardless of the aggregate contract price;
- (3) Requiring persons performing projects or operations under the handyman exemption to provide their name and contact information to the Department of Commerce and Consumer Affairs;
- (4) Requiring the Department of Commerce and Consumer Affairs to adopt rules and make annual reports to the Legislature detailing any complaints received regarding projects or operations performed under the handyman exemption;
- (5) Updating the purpose section;
- (6) Inserting a sunset date of June 30, 2024;
- (7) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 767, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 767, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

# SCRep. 789 Commerce, Consumer Protection, and Health on S.B. No. 808

The purpose and intent of this measure is to:

- Authorize pharmacies to accept the return of any prescription drug for disposal via collection receptacles or mail-back programs;
- (2) Prohibit pharmacies from re-dispensing returned prescription drugs or from accepting returned prescription drugs in exchange for cash or credit; and
- (3) Require the pharmacist-in-charge to ensure that only authorized reverse distributors acquire prescription drugs collected via collection receptacles or mail-back programs.

Your Committee received testimony in support of this measure from the Department of Health; Department of Public Safety; Board of Pharmacy; University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy; Hawaii State Opioid Law Enforcement Organization/First Responder Working Group; Hawaii Substance Abuse Coalition; CVS Health; Hawaii Medical Service Association; Walgreen Co.; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and seven individuals.

Your Committee finds that unused medications in households and at various patient care facilities expose residents to potential harm due to mistaken ingestion and increase the potential for theft and assault. Annually, more than seventy-one thousand children under the age of nineteen are admitted to emergency rooms for unintentional overdoses of prescription and over-the-counter drugs. Your Committee further finds that keeping unused opioids or other common drugs of misuse in homes is no longer safe or responsible. Disposal of unwanted, expired, or unnecessary prescription drugs reduces the risk of overdose, prevents unused or unwanted drugs or controlled substances from being diverted to an unintentional user, and avoids contaminating landfills and oceans. This measure helps address the nationwide opioid epidemic, promotes patient safety, and helps to reduce the number of incidences of children and pets accessing these medications.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 808, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 808, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

#### SCRep. 790 Commerce, Consumer Protection, and Health on S.B. No. 1323

The purpose and intent of this measure is to require the Department of Commerce and Consumer Affairs to:

- (1) Adopt state appliance efficiency standards; and
- (2) Prohibit the sale, lease, rent, or installation of appliances that do not meet efficiency standards by a certain date.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Public Utilities Commission; California Energy Commission; National Resources Defense Council; American Council for an Energy-Efficient Economy; Environment America; Blue Planet Foundation; Consumer Federation of America; Young Democrats of Hawaii; Elemental Excelerator; Healthy Climate Communities; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and over twenty individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii and Association of Home Appliance Manufacturers. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Plumbing Manufacturers International, and Consumer Technology Association.

Your Committee finds that Hawaii residents pay double or triple what residents of other states pay for their energy, and the potential savings from appliance efficiency standards are substantial. State-level standards for minimum energy and water efficiency have been projected to result in water and energy bill savings of \$38 million annually by 2025 and increasing to over \$75 million by 2035, adding dollars to consumers' pockets and benefiting the economy.

Additionally, by 2025 in Hawaii alone, recommended appliance efficiency standards would annually prevent fifty-six thousand metric tons of carbon dioxide from entering the atmosphere, the equivalent of taking over twelve thousand cars off the road. Furthermore, a recent study found that one-third of Hawaii's clean energy goals could be reached through adoption of new appliance standards and implementation of updated building codes. Your Committee further finds that appliances meeting the efficiency standards are readily available from multiple manufacturers. Other states with larger markets, like California, have already accomplished significant work in setting the appropriate standards and shifting manufacturers' behaviors and compliance. This measure promotes the acceleration of Hawaii's clean energy goals, benefits consumers by reducing energy costs, and helps to reduce greenhouse gas emissions.

Your Committee has heard the testimony from the Department of Commerce and Consumer Affairs, noting that adopting the appliance energy standards already promulgated in California would be more efficient for Hawaii and will allow Hawaii to benefit from the market power that California exerts on manufacturers and the appliances they produce, due to California's size and consumer demands. Your Committee notes that the Public Utilities Commission is already developing proposed language to promulgate appliance efficiency standards in Hawaii to be enforced by the Public Benefits Fee Administrator.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language that requires the Public Utilities Commission and the Department of Business, Economic Development, and Tourism to adopt rules for minimum appliance efficiency standards for products sold or installed in the State consistent with the existing appliance efficiency standards established in California;
- (2) Removing language that would have required the Department of Commerce and Consumer Affairs and the Director of Commerce and Consumer Affairs to adopt rules for minimum appliance efficiency standards for certain products sold or installed in the State and making associated conforming amendments;
- (3) Clarifying the scope of the rules to be adopted by the Public Utilities Commission and the Department of Business, Economic Development, and Tourism:
- (4) Removing language that would have established specific appliance energy standards for certain products, provided protection against repeal of federal regulations, and established testing requirements for products to determine compliance;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1323, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1323, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

# SCRep. 791 (Joint) Commerce, Consumer Protection, and Health and Energy, Economic Development, and Tourism on S.B. No. 1442

The purpose and intent of this measure is to require the Public Utilities Commission to consider the value of improving energy data access and transparency in order to make informed decisions.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Elemental Excelerator, Ulupono Initiative, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, and one individual. Your Committees received comments on this measure from the Public Utilities Commission.

Your Committees find that there is public interest in increasing transparency and improving access to all relevant energy-related data, whether services are provided by a regulated utility or a third-party services provider. Successfully reducing energy consumption requires individuals and businesses to understand their usage behaviors. By providing ratepayers with information concerning their energy consumption, they can make more informed decisions and manage their costs. This information also provides the State the

opportunity to implement an open data environment that will help people make informed decisions regarding achieving the State's clean energy goals. This measure will improve energy data access and transparency in order to empower ratepayers, improve decision-making related to reliability and operational efficiency of the electric system, maximize the value of grid modernization technologies and investments, and promote innovation and economic development opportunities.

Your Committees have amended this measure by:

- (1) Clarifying that the Public Utilities Commission shall:
  - (A) Specifically consider the value of access to and transparency of electric power systems data, rather than energy data;
  - (B) Increase, rather than maximize, the amount of publicly-available data related to utility generation, transmission, and distribution systems; and
  - (C) Ensure that electric power systems data is made available through simple, electronic, consistent, machine-readable formats with temporal and geographic granularity; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1442, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1442, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Ruderman).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

#### SCRep. 792 Commerce, Consumer Protection, and Health on S.B. No. 774

The purpose and intent of this measure is to prohibit a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.

Your Committee received testimony in support of this measure from the Hawaii Dental Hygienists' Association, three individuals, and a petition signed by over two hundred ten individuals. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs and Contractors License Board.

Your Committee finds that professional or vocational licensees may employ auxiliary personnel to assist these licensed individuals in the practice of their profession or vocation. While considered to be a valuable part of the team, these auxiliary personnel may not be licensed or certified in the State or required to meet the same stringent standards of training and care as licensed individuals. In order to protect the safety of the public, it is important for those in various professional and vocational fields to adhere to legislatively determined parameters regarding the scope of practice of their own particular profession or vocation. This measure therefore clarifies that the clearly delineated duties of a licensed professional are not within the duties, activities, or functions of an unlicensed, unregulated individual.

Your Committee has considered the testimony offered by the Department of Commerce and Consumer Affairs and the Contractors License Board expressing concern that this measure would prohibit many individuals from gaining the requisite on-the-job training or qualifying experience needed to obtain a license. Although this measure exempts apprentices or trainees who are working toward licensure in an apprenticeship program or clinical program, according to the Contractors License Board, many individuals working toward licensure are not in an apprenticeship program.

Accordingly, your Committee has amended this measure by exempting persons who are working toward licensure, including but not limited to apprentices, trainees, graduates, or students, and personnel who are under the supervision of a licensee and who are not required to obtain a license pursuant to applicable licensing statutes; provided that they are not auxiliary personnel regulated under existing law, rather than only exempting those in an apprenticeship or clinical program.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 774, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 774, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

# SCRep. 793 Commerce, Consumer Protection, and Health on S.B. No. 809

The purpose and intent of this measure is to clarify that the scope of service contracts regulated by the Insurance Commissioner includes contracts for certain motor vehicle repair and replacement services.

Your Committee received testimony in support of this measure from the Motor Vehicle Protection Products Association.

Your Committee finds that service contracts offer consumers benefits not covered under traditional automobile insurance policies or that usually cost less than common automobile insurance policy deductibles. This measure clarifies the scope of products that may be offered as service contracts, which will promote uniformity and minimize confusion or dispute over the regulatory status of these products.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 809 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

#### SCRep. 794 Commerce, Consumer Protection, and Health on S.B. No. 827

The purpose and intent of this measure is to prohibit merchants from adopting a warranty policy that requires a purchaser to pay an additional fee to obtain a repair, replacement, or refund for goods returned pursuant to the warranty.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that some merchants charge customers a processing fee, even when a warranted product is being returned because of a manufacturer's defect. Your Committee further finds that setting fees as a precondition for using a warranty is improper, as this shifts the cost to process a refund onto a customer and prevents customers from utilizing their warranties. Your Committee notes that these fees should not be passed onto the consumer but should be borne by the merchant.

Your Committee has amended this measure by:

- Adopting the amendment suggested by the Department of the Attorney General to add a definition of "merchant in the State" for clarity and to preclude Commerce Clause challenges; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 827, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 827, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

#### SCRep. 795 Commerce, Consumer Protection, and Health on S.B. No. 694

The purpose and intent of this measure is to require that food scales be located within one hundred feet of self-service food items sold by weight.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association and Retail Merchants of Hawaii. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that this measure would require food scales to be located within one hundred feet of self-service food items sold by weight. However, your Committee has heard the testimony expressing concerns that, as retail space is limited and valuable, requiring scales to be placed within one hundred feet of self-service food items may not be practical or necessary. Your Committee has also heard the concerns raised in testimony about the negative economic impact this measure may have on small businesses and farmers' markets, as scales are not cheap to purchase or consistently calibrate. Your Committee appreciates these concerns and believes further consideration regarding potential consequences of this measure on small businesses and farmers' markets is warranted as this measure moves through the legislative process.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required a self-service food seller to locate a scale no further than one hundred feet from the self-service food being offered for sale;
- (2) Requiring a seller to provide a scale for a customer to use before sale that is approved for use, accurate, and properly licensed by the Department of Agriculture as a commercial measuring device and that indicates the price of the item being weighed;
- (3) Inserting language that exempts farmers' markets;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 694, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 694, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

# SCRep. 796 Commerce, Consumer Protection, and Health on S.B. No. 540

The purpose and intent of this measure is to allow the Board of Pharmacy to approve pilot and demonstration projects for innovative applications in the practice of pharmacy under certain circumstances.

Your Committee received testimony in support of this measure from the Board of Pharmacy, University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy, Kaiser Permanente Hawaii, Walgreen Co., and eight individuals.

Your Committee finds that it is important to continuously improve the effectiveness of health care delivery systems, including pharmacies. Enabling the Board of Pharmacy to conduct pilot and demonstration research projects can accelerate innovation and create opportunities for pharmacists to enhance patient care and safety, reduce barriers, and increase access to pharmaceutical services.

Your Committee has considered the testimony concerning the language in this measure that would require drug take-back programs to be approved by the Board of Pharmacy. Currently across the country, board approval for drug take-back programs is not required because these programs are already strictly regulated by the federal Drug Enforcement Administration.

Accordingly, your Committee has amended this measure by:

- Removing language that would have authorized the Board of Pharmacy to approve a project that implements a drug take-back program; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 540, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Fevella).

# SCRep. 797 Judiciary on S.B. No. 92

The purpose and intent of this measure is to allow surviving immediate family members of murder or manslaughter victims to access a copy of the closing report prepared by the investigating police department, upon the conclusion of all criminal and civil proceedings that arose from the offense.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that accessing the closing report upon the conclusion of criminal and civil proceedings can help the surviving family members of murder or manslaughter victims to process their loss and begin healing. Your Committee further finds that allowing family members to receive a copy of the report will avoid situations in which the surviving family members are forced to view the report at a police station or other institutional setting. Your Committee additionally finds that sharing a single copy may be impractical if surviving family members do not live near one another.

Accordingly, your Committee has amended this measure by making each immediate family member eligible to receive a copy of the closing report.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 92, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 92, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 798 (Majority) Judiciary on S.B. No. 1043

The purpose and intent of this measure is to:

- (1) Require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures; and
- (2) Prohibit discrimination in the provision of reproductive health care services.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; AAUW of Hawaii; Save Medicaid of Hawaii; Planned Parenthood; LGBT Caucus of the Democratic Party of Hawaii; Planned Parenthood of the Great Northwest and Hawaiian Islands; Bayer US; Planned Parenthood Votes Northwest and Hawaii; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii'; Hawaii Section of the American College of Obstetricians and Gynecologists; We Are One, Inc.; ACLU of Hawaii; Hawaii Women's Coalition; and eight individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Primary Care Association, Kaiser Permanente Hawaii, and Hawaii Medical Service Association

Your Committee finds that the Affordable Care Act includes preventative service coverage requirements for sexual and reproductive health care. Your Committee further finds that access to no-copay preventative services such as birth control, well-woman exams, and cancer screenings are important to public health in the State. This measure will conform state law to the requirements of the Affordable Care Act.

Your Committee acknowledges that your Committee on Commerce, Consumer Protection, and Health has made considerable efforts to move this complicated measure forward. Your Committee is concerned, however, that the reference to chapter 481, Hawaii Revised Statutes, for penalty and remedy purposes, as specified for each proposed revision to chapter 431, parts I and II; chapter 432; chapter 432D; and chapter 346, Hawaii Revised Statutes, should be more closely examined by stakeholders and future committees during the legislative process, and revised if appropriate. Your Committee also has concerns about the structure of the effective date included in this measure.

Your Committee additionally notes that the mandatory health care coverage established by this measure may trigger sunrise review requirements pursuant to section 23-51, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date to March 15, 2094, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1043, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1043, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, 1 (Gabbard). Excused, none.

## SCRep. 799 Judiciary on S.B. No. 1009

The purpose and intent of this measure is to ban the sale of flavored tobacco products.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Department of Education; Department of Health; Office of the Prosecuting Attorney of the County of Hawaii; Hawaii Pacific Health; Hawaii Primary Care Association; Hawaii Youth Services Network; Hawaii Dental Hygienists' Association; Hawaii State Teachers Association; Hawaii Public Health Association; Alexander Academy of Performing Arts; Hawaii COPD Coalition; Hawaii Public Health Institute; The Man Cave; We Are One, Inc.; Hawaii Blue Zones Project; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; African American Tobacco Control Leadership Council; Pioneering Healthier Communities of Honolulu; Lanai Community Health Center; Cancer Action Network; Mid-Pacific Do What You Love Service Club; Kapi'olani Medical Center for Women and Children; American Heart Association; University of Hawai'i Student Health Advisory Council; seventy-two individuals; and a petition signed by two hundred twelve dental hygienists. Your Committee received testimony in opposition to this measure from Hi Lyfe Vaporz, LLC; VOLCANO Fine Electronic Cigarettes; Cigar Association of America, Inc.; Nii Superette, Inc.; ABC Stores; Retail Merchants of Hawaii; Irie Hawaii Stores; Hawaii Smokers Alliance; twenty-eight individuals; and a petition signed by one hundred ten individuals. Your Committee received comments on this measure from the Hawaii Food Industry Association.

Your Committee finds that the use of flavored tobacco products is extremely prevalent among Hawaii's youth, and frequently results in the development of tobacco addiction. Almost all smokers start before the age of twenty-one, with most starting off using flavored tobacco products, which are often marketed to the State's youth. Your Committee further finds that the federal Family Smoking Prevention and Tobacco Control Act prohibited characterizing flavors, including fruit and candy flavorings, in cigarettes but did not ban menthol in cigarettes or the use of characterizing flavors in other tobacco products. This measure will prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State.

Your Committee has amended this measure by clarifying that penalties for unlawfully selling a flavored tobacco product apply to any retailer whose agents or employees violate the prohibition.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1009, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1009, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 800 Judiciary on S.B. No. 940

The purpose and intent of this measure is to grant county agencies the implicit right to enter property to investigate agricultural buildings and structures for violations of, and compliance with, building permit and code exemption qualifications.

Your Committee received testimony in support of this measure from the Office of Planning, Department of Agriculture, Mayor of the County of Hawai'i, and Hawaii Cattlemens Council. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that certain qualified agricultural structures are exempt from building permit and building code requirements. Your Committee further finds that, to curtail illegal uses, county agencies require the ability to inspect exempted agricultural structures to ensure that those structures conform to exemption requirements. Your Committee additionally finds that implicit rights are generally not specifically enumerated in writing.

Accordingly your Committee has amended this measure by changing the implicit right of county agencies to enter property to investigate agricultural buildings to an explicit right.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 940, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 940, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 801 Judiciary on S.B. No. 536

The purpose and intent of this measure is to clarify that existing law intended to curb over-access to and abuse of opioids, including the time frame for filling prescriptions, supply limitations, and requirements to check the state electronic prescription accountability system and execute an informed consent process, do not apply to qualifying patients who are prescribed or issued prescriptions pursuant to the State's Our Care, Our Choice Act.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that allowing medications prescribed to terminally ill patients pursuant to the Our Care, Our Choice Act to be filled and held by the pharmacy for up to thirty days will increase convenience and diminish the risk of accidental poisoning for those patients. Your Committee further finds that, as currently written, section 329-38, Hawaii Revised Statutes, was amended by Act 66, Session Laws of Hawaii 2017, and is subject to repeal and reenactment on June 30, 2023. Your Committee recommends keeping the amendments made in this measure permanently. Therefore, your Committee additionally finds that an amendment is necessary to preserve the provisions of this measure from the effects of the repeal and reenactment of Act 66, Session Laws of Hawaii 2017.

Accordingly, your Committee has amended this measure by providing that the amendments made to section 329-38, Hawaii Revised Statutes, by this measure shall not be repealed when that section is repealed and reenacted pursuant to Act 66, Session Laws of Hawaii 2017.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 536, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 536, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 802 Judiciary on S.B. No. 1466

The purpose and intent of this measure is to establish a process by which a law enforcement officer or family or household member may obtain a court order to prevent a person from accessing firearms and ammunition when the person poses a danger of causing bodily injury to oneself or another.

Your Committee received testimony in support of this measure from the Mayor of the County of Hawai'i; Moms Demand Action for Gun Sense in Hawaii; Eye Productions, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; National Organization of Parents of Murdered Children; and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Institute for Rational and Evidence-based Legislation, Hawaii Firearms Coalition, National Rifle Association of America, Hawaii Rifle Association, and three hundred eighty-two individuals. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that nationwide, active shooters have inflicted great harm by killing and injuring innocent persons, sometimes in highly publicized mass-shootings. Your Committee further finds that in some cases, law enforcement or a member of the shooter's family or household may have observed warning signs before the shooting, but depending on the jurisdiction, they may not have had the ability to petition a court to confiscate the shooter's firearms and ammunition. This measure will allow the courts and law enforcement to promptly respond to persons who have demonstrated a risk of causing bodily injury to themselves or others. However, your Committee additionally finds that certain provisions of this measure are inconsistent with current procedural practices of the courts and law enforcement agencies.

Accordingly, your Committee has amended this measure by:

- (1) Requiring police officers to file proof of service of a protective order with the court within one business day of service;
- (2) Requiring the court to notify the Hawaii Criminal Justice Data Center of the service of protective orders;
- (3) Requiring the Hawaii Criminal Justice Data Center to make information relating to protective orders available to the National Instant Criminal Background Check System within one business day;
- (4) Inserting an effective date of February 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1466, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1466, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Gabbard, Wakai, Fevella). Noes, none. Excused, none.

## SCRep. 803 Judiciary on S.B. No. 1539

The purpose and intent of this measure is to:

- (1) Allow defendants the right, upon formal charge and detention, to a prompt bail hearing concerning release or detention and whether any condition will reasonably assure the defendant's appearance;
- (2) Allow defendants to be represented by counsel at the hearing, or have one appointed if they are financially unable to obtain representation; and
- (3) Allow defendants to present evidence and witnesses and to cross-examine witnesses who appear at the hearing.

Your Committee received testimony in support of this measure from the Judiciary, Office of Hawaiian Affairs, Community Alliance on Prisons, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received testimony in opposition to this measure from the Sex Abuse Treatment Center.

Your Committee finds that recent investigations by the Criminal Pretrial Task Force indicated that the current system of criminal pretrial detention is inconsistent as to whether and when a pretrial defendant is accorded a bail hearing. Your Committee further finds that opportunities to hold prompt hearings early on are often missed and result in defendants being unnecessarily detained until a meaningful bail hearing is held days or weeks later. Your Committee additionally finds that many of these individuals are believed to be low-risk defendants who could be safely and appropriately released. This measure will increase consistency in criminal pretrial procedure by entitling defendants to a prompt bail hearing.

Your Committee has amended this measure by:

- (1) Clarifying that the defendant's right to a prompt bail hearing is upon motion by either party;
- (2) Requiring the judge to consider during a bail hearing:
  - (A) Whether the defendant poses a serious flight risk;
  - (B) If there is a risk that the defendant will obstruct or attempt to obstruct justice;
  - (C) If there is a serious risk that the defendant poses a danger to any person or to the community; or
  - (D) If there is a serious risk that the defendant will engage in illegal activity;
- (3) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1539, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1539, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 804 Ways and Means on S.B. No. 376

The purpose and intent of this measure is to allow students to enroll in career and technical education programs in schools outside the Department of Education service areas in which the students reside.

Your Committee received written comments in support of this measure from Hawaii State Teachers Association and one individual.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that this measure would expand the number of students in Hawaii who receive career and technical skills education, thereby growing the pool of local individuals who possess skills specifically sought by employers in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 376 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (English, Kahele, Kidani, Riviere).

## SCRep. 805 Judiciary on S.B. No. 641

The purpose and intent of this measure is to add the definition of "substance abuse" and amend the definitions of "drug" and "substance" for purposes of violations due to operating a vehicle under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Mothers against Drunk Driving Hawaii, Hawaii Strategic Highway Safety Plan, AAA Hawaiʻi, and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Drug Policy Forum of Hawaiʻi.

Your Committee finds that the existing definition of a drug under the use of intoxicants while operating a vehicle statute does not encompass many substances that are being abused by individuals, thereby limiting law enforcement and prosecutors from keeping roads safe from impaired drivers. Your Committee further finds that there are many substances that can impair a driver but are not listed as a controlled substance under the Uniformed Controlled Substance Act, allowing those abusing those substances to drive on the State's roads while impaired. This measure would provide clarity with respect to how substance abuse and drugs are defined in law, ensuring the safety of residents and visitors of the State.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 641 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 806 Judiciary on S.B. No. 98

The purpose and intent of this measure is to clarify the requirement that a driver of a motor vehicle yield to a pedestrian by specifying when a pedestrian is considered to be within an intersection or adjacent crosswalk.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that there is confusion as to when a vehicle must yield the right-of-way to a pedestrian who plans to cross or is crossing a roadway, particularly with regard to when a pedestrian is considered to be within an intersection or adjacent crosswalk. Your Committee further finds that pedestrians have the right of way over vehicles because the consequences of a collision between a vehicle and a pedestrian is highly likely to result in catastrophic injury for the pedestrian. Your Committee additionally finds that as the number of pedestrian injuries and deaths have greatly increased in the past year, clarifying that a pedestrian is legally within a crosswalk when any part or extension of the pedestrian is beyond the curb or edges of the traversable roadway will allow law enforcement to discourage the operators of motor vehicles from attempting to race pedestrians to the crosswalk or otherwise drive in a dangerous manner.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 98 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 807 Judiciary on S.B. No. 955

The purpose and intent of this measure is to require financial disclosure statements of state agency executive directors to be public records available for inspection and duplication.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that under existing law, directors of state departments are required to publicly disclose their financial disclosure statements although departmental executive directors are not. Your Committee further finds that including executive directors in public disclosure requirements increases transparency in state government. Your Committee additionally finds that the requirements of this measure apply to all persons who function as executive directors of agencies regardless of whether or not the title of the person's position actually is "executive director".

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 955 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 808 Judiciary on S.B. No. 647

The purpose and intent of this measure is to:

- (1) Increase the membership of the State Capitol Management Committee by including the Lieutenant Governor and the Lieutenant Governor's Chief of Staff;
- (2) Prohibit the Lieutenant Governor from being represented on the State Capitol Management Committee by a designee; and
- (3) Require the Lieutenant Governor to submit an annual report to the Legislature regarding the State Capitol Management Committee's work, recommendations, and expenditures.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that the State Capitol Management Committee was established to ensure that the facilities and grounds of the Hawaii State Capitol are secure, properly maintained, and operated in a manner that meets the needs and expectations of the general public. This measure will promote more inclusion of occupants of the Capitol by adding the Lieutenant Governor as Chairperson of the Committee, while ensuring greater transparency of the Committee's work by requiring an annual report on its work, recommendations, and expenditures.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 647, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 809 (Majority) Judiciary on S.B. No. 980

The purpose and intent of this measure is to define the term "private school", for the purpose of compulsory education, to mean an education institution that teaches kindergarten through grade twelve and that is licensed or accredited by the Hawaii Association of Independent Schools or the Western Association of Schools.

Your Committee received testimony in support of this measure from the Hawaii Association of Independent Schools and Hawaii Council of Private Schools, LLC. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that the Hawaii Council of Private Schools is charged with licensing Hawaii private schools to ensure that all of Hawaii's private and parochial schools are healthy, safe, and sustainable institutions providing a sound education program for Hawaii's children. However, licensing requirements for private schools are optional, rather than mandatory. This measure provides assurances for parents who choose to send their child to a private school that the school meets certain standards in providing a safe learning environment.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 980 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 2. Noes, 1 (Gabbard). Excused, 2 (Kim, Fevella).

### SCRep. 810 Judiciary on S.B. No. 574

The purpose and intent of this measure is to establish that every judgment for child support is enforceable until paid in full.

Your Committee received testimony in support of this measure from O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that currently, people who owe child support are no longer required to meet the obligations of child support orders once the child turns thirty-three of age or ten years after a judgment for the child support was rendered, whatever date is later. This allows the judgment for child support to be presumed paid or discharged after a certain period of time regardless of whether the obligor actually met their obligation. This measure ensures that people are not able to evade their child support obligations merely by the passage of time by allowing enforcement until the obligation is paid in full.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 574 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 811 Judiciary on S.B. No. 638

The purpose and intent of this measure is to:

- (1) Add unlicensed sale of liquor and unlicensed manufacture of liquor as offenses for which property is subject to forfeiture and increases the grade of the offense of unlicensed sale of liquor to a class C felony; and
- (2) Amend definitions of "organized crime" and "racketeering activity" to include the unlicensed sale of liquor.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that an ongoing problem in several communities across the State is the sale of liquor by unlicensed operators or entities that are not under the jurisdiction of the liquor control agencies. Liquor control agencies are restricted from executing compliance checks on establishments without liquor licenses. The reportedly widespread unlicensed sale of liquor on private properties within the State, if true, undermines the mission of liquor control agencies to control the sale of liquor.

Your Committee further finds that under existing law, the penalty for the misdemeanor offense of unlicensed manufacture or sale of liquor is a fine of not more than \$2,000, imprisonment for not more than one year, or both. This measure attempts to deter future illegal liquor sales not occurring under the oversight of liquor control agencies by increasing the consequences of subsequent conviction and allowing greater latitude to judges in their sentencing options.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 638, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 812 Judiciary on S.B. No. 551

The purpose and intent of this measure is to clarify that a condominium association may exercise nonjudicial or power of sale foreclosure remedies regardless of the presence or absence of power of sale language in an association's governing documents.

Your Committee received testimony in support of this measure from the Palehua Townhouse Association; Law Offices of Mark K. McKellar, LLLC; Kulana Knolls Association; Association of Apartment Owners of Kihei Bay Surf; The Maui Lani Community Association; Anderson Lahne and Fujisaki LLP; and nine individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that condominium associations have relied on the remedy of nonjudicial foreclosure for years as a way of collecting delinquent maintenance fees, which are necessary for the basic operations of associations. Judicial foreclosures alternatively can take far longer to resolve, create judicial backlog, and cost three to four times more than nonjudicial foreclosure actions, the fees for which are ultimately passed on to non-defaulting owners.

Your Committee further finds that under the decision of the recent Intermediate Court of Appeals case, <u>Sakal v. Ass'n of Apartment Owners of Hawaiian Monarch</u>, 426 P.3d 443 (Haw. Ct. App. 2018), many associations have lost the benefit of the nonjudicial foreclosure process. Concerns have been raised that, as a result, an association's ability to conduct a nonjudicial foreclosure will no longer depend on legislative intent, but whether specific language in the declaration or bylaws was included when the project was first created. This measure therefore clarifies that the governing documents of every association are deemed to include a power of sale provision, sufficient to enable the exercise of nonjudicial foreclosure remedy, regardless of the presence or absence of power of sale language in an association's documents.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 551, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 813 Judiciary on S.B. No. 768

The purpose and intent of this measure is to:

- (1) Establish that licensed mental health professionals providing mental health treatment to a minor have a standard of care duty to explain to the minor the meaning of confidential mental health care services and to ask the minor if the minor wants the provision of mental health care services to be kept confidential from the minor's parent or guardian;
- (2) Prohibit health plans and providers from disclosing any payment or billing information for a minor's mental health services to a policyholder or other covered person if the minor received the services without the consent or participation of the minor's parent or legal guardian;
- (3) Specify that the minor's parent or legal guardian is not responsible for out-of-pocket payments for minor-initiated mental health treatment or counseling services, except in certain circumstances; and
- (4) Clarify that a minor is not responsible for out-of-pocket payments, regardless of parent or guardian participation in treatment or services received.

Your Committee received testimony in support of this measure from the Department of Health, LGBT Caucus of the Democratic Party of Hawai'i, Mental Health America of Hawai'i, Hawaii Youth Services Network, Hawai'i Psychological Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from Hawaii Medical Service Association and Hawaii Association of Health Plans.

Your Committee finds that often times minors may be hesitant to seek mental health services because they do not feel safe or comfortable asking for consent from a parent or guardian for treatment. While the suppression of explanation of benefits is a standard practice where minor consent laws exist to preserve minors' privacy, the existing law does not explicitly prevent health plans from disclosing bill information related to minor-initiated mental health services. This measure ensures a minor's privacy is maintained when the minor seeks mental health treatment.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 768, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 814 Judiciary on S.B. No. 693

The purpose and intent of this measure is to update existing law relating to pedestrian-control signals to include countdown timers and clarify what pedestrians are required to do when a countdown timer is operating.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that existing law relating to pedestrian-control signals was last substantively amended in 1981, and therefore does not include pedestrian-control signals that operate a countdown timer. This measure updates the law to recognize the capability of current technology and will provide consistency with the different types of pedestrian-control signals used throughout the State, thereby improving pedestrian safety.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 693, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 815 Judiciary on S.B. No. 660

The purpose and intent of this measure is to establish a non-compliant identification card for individuals that are not able to provide an updated photograph and documentation in-person, as required by the REAL ID Act of 2005.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that the federal REAL ID Act of 2005 requires all applicants to appear in-person in order to obtain a compliant identification card. The application requirement for an in-person appearance creates extreme difficulties for those with severe disabilities who cannot be physically present when applying for identification in conducting transactions requiring confirmation of identification. This measure will offer those who are severely disabled and homebound to obtain a form of identification, that while not compliant with federal law, will still allow them the opportunity to complete many of their ongoing, everyday transactions with financial institutions, health providers, hospitals, and other entities that require proof of identification.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 660 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 816 Judiciary on S.B. No. 895

The purpose and intent of this measure is to extend the offense of false labeling of Hawaii-grown coffee to include roasted coffee.

Your Committee received testimony in support of this measure from the Department of Agriculture; one member of the Hawai'i County Council; Hawaii Coffee Association; Kona Coffee Farmers Association; Ka'u Mountain Farm; Kona Hills, LLC; Hawaii Coffee Growers Association; Kau Coffee Growers Cooperative; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and two individuals.

Your Committee finds that Act 328, Session Laws of Hawaii 2012, established criminal penalties for false labeling of Hawaii-grown coffee. However, the enforcement on fraudulent Hawaii-grown roasted coffee was overlooked, which provides counterfeiters a competitive advantage that artificially creates downward price pressure for local growers. Because it is critical to continue maintaining the integrity of the State's coffee industry, this measure extends the offense of false labeling of Hawaii-grown coffee to roasted coffee, allowing legitimate producers of Hawaii-grown coffee a fair chance to compete in the market by offering high quality products grown in Hawaii.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 895 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 817 (Majority) Judiciary on S.B. No. 600

The purpose and intent of this measure is to require an individual to be at least twenty-one years old to bring a firearm into the State.

Your Committee received testimony in support of this measure from the County of Hawai'i Mayor's Office, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Institute for Rational and Evidence-based Legislation, Hawaii Rifle Association, Rook Customs/RookWorx, Hawaii Firearms Coalition, National Rifle Association of America, Hawaii Cattlemen's Council, and 383 individuals.

Your Committee finds that state law restricts gun ownership to twenty-one years old for those obtaining a firearm in the State. However, this law has a loophole that allows Hawaii residents and non-residents to bring a firearm to Hawaii from outside the State and register that firearm without the requirement of being at least twenty-one years old. Your Committee further finds that setting a uniform minimum age for gun ownership in the State, regardless of where the firearm originated from, is in the best public safety interests of the State.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 600 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, 1 (Gabbard). Excused, 1 (Fevella).

### SCRep. 818 Judiciary on S.B. No. 429

The purpose and intent of this measure is to:

- (1) Require a license to include a person's full name, date of birth, gender category, residence address, and license number; and
- (2) Expand gender options when applying for a driver's license and state identification card by including non-binary as an option.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Women's Coalition, GLSEN Hawai'i, Planned Parenthood Votes Northwest and Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, American Civil Liberties Union of Hawai'i, and sixteen individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that Hawaii has one of the largest transgender and gender non-conforming populations in the United States. Binary gender and sex markers on any form of identification can cause difficult and invasive questions and increases the likelihood of discrimination for transgender and gender non-conforming individuals when seeking employment, interacting with law enforcement, renting an apartment, and many other public situations. This measure will help to avoid discrimination against transgender and gender non-conforming individuals by expanding gender categories on government identification.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 429 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 819 Labor, Culture and the Arts on Gov. Msg. Nos. 551 and 552

Recommending that the Senate advise and consent to the nominations of the following:

## KING KAMEHAMEHA CELEBRATION COMMISSION

G.M. No. 551 ANELA EVANS, for a term to expire 06-30-2020; and

G.M. No. 552 IAN-JAMES CUSTINO, for a term to expire 06-30-2022

Your Committee has reviewed the personal histories, resumes, and statements submitted by the nominees and finds Anela Evans and Ian-James Custino to possess the requisite qualifications to be nominated to the King Kamehameha Celebration Commission.

# ANELA EVANS

Your Committee received testimony in support of the nomination for the appointment of Ms. Evans from the Department of Accounting and General Services and three individuals.

Your Committee finds that Ms. Evans is currently an assistant manager for Pūlama Lāna'i — Culture and Historic Preservation Division where she works to maintain cultural and historic sites and assists with coordinating and providing interpretive services for visitors to inform them of the natural and cultural resources on the island of Lanai. Prior to service at Pūlama Lāna'i, Ms. Evans was a volunteer coordinator for the Department of Land and Natural Resources. Ms. Evans was also a lecturer at the University of Hawai'i at Mānoa, where she taught a summer course for the Department of Ethnic Studies. Ms. Evans has been involved in a number of community and extra-curricular activities. If confirmed, Ms. Evans will represent the island of Lanai on the Commission. According to her testimony, Ms. Evans is committed to upholding the duties and responsibilities of the position. Ms. Evans' experience, value and knowledge of the Hawaiian culture, and dedication to public service will benefit the important work of the King Kamehameha Celebration Commission.

## **IAN-JAMES CUSTINO**

Your Committee received testimony in support of the nomination for the appointment of Mr. Custino from the Department of Accounting and General Services and two individuals.

Your Committee finds that Mr. Custino is a project manager at Kamehameha Schools where he manages projects and utilizes project management strategies to plan and implement projects to achieve Kamehameha School's strategic goals. Mr. Custino is also the president and CEO of his own business that provides project management services and he oversees all aspects of its operation including human resource management, financial planning and fiscal management, and sales and marketing efforts. Mr. Custino has been managing construction, landscaping, fire systems, and emergency preparedness and recovery projects since 2012. Mr. Custino has a Master's degree in Psychology and has numerous distinctions. If confirmed, Mr. Custino will represent Hale O Na Alii O Hawai'i Ahahui Poo on the Commission. According to his testimony, Mr. Custino is familiar with the works of the King Kamehameha Celebration Commission as he has been working with the Commission for years, assisting it in planning and staffing. Mr. Custino's leadership, experience, knowledge, and commitment to the Hawaiian community will greatly contribute to the King Kamehameha Celebration Commission.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 820 Labor, Culture and the Arts on Gov. Msg. No. 553

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN

G.M. No. 553 KALBERT YOUNG, for a term to expire 06-30-2022

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Kalbert Young to possess the requisite qualifications to be nominated to the Board of Trustees of the Deferred Compensation Plan.

Your Committee received testimony in support of the nomination of Kalbert Young from the Department of Human Resources Development, Board of Trustees of the Deferred Compensation Plan, and one individual.

Upon review of the testimony, your Committee finds that Mr. Young's experience as a finance executive in the public and private sectors, commitment to public service, and proven leadership qualify him for appointment to the Board of Trustees of the Deferred Compensation Plan. Your Committee notes that Mr. Young is currently serving as the Vice President for Budget and Finance and Chief Financial Officer for University of Hawaii System. Previous to that, Mr. Young was the state Director of Budget and Finance. Mr. Young has an extensive professional background in budget and finance and has a deep understanding of investments and financial matters. According to testimony, Mr. Young expressed an interest in serving on the Board and has been serving on an interim basis since July 1, 2018. While on the Board, Mr. Young has shown he is dedicated to serving in the best interests of the State's deferred compensation plan participants. Your Committee believes Mr. Young's wealth of experience and expertise will contribute greatly to the Board of Trustees of the Deferred Compensation Plan.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 821 Transportation on Gov. Msg. No. 569

Recommending that the Senate advise and consent to the nomination of the following:

## MEDICAL ADVISORY BOARD

G.M. No. 569 SUZIE NEMMERS, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Suzie Nemmers, M.D., for service on the Medical Advisory Board.

Your Committee received testimony in support of the nomination for the appointment of Suzie Nemmers, M.D., from the Department of Transportation.

Upon review of the testimony, your Committee finds that Dr. Nemmers is a physician and surgeon in the Department of Ophthalmology at Tripler Army Medical Center. She is a member of the American Medical Association, Hawaii Ophthalmology Society, American Academy of Ophthalmology and American Society of Cataract and Refractive Surgery. Your Committee believes that Dr. Nemmers' experience and knowledge in eye and vision care will be extremely beneficial to the Medical Advisory Board, particularly when reviewing and evaluating cases that involve medical conditions relating to eyes and vision. Your Committee further finds that with her extensive background and knowledge in ophthalmology and her dedication to helping keep people safe qualify her for appointment to the Medical Advisory Board.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

### SCRep. 822 Commerce, Consumer Protection, and Health on Gov. Msg. No. 540

Recommending that the Senate advise and consent to the nomination of the following:

#### DIRECTOR OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

G.M. No. 540 CATHERINE P. AWAKUNI COLON, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Catherine Awakuni Colón for service as the Director of Commerce and Consumer Affairs.

Your Committee received testimony in support of the nomination for the reappointment of Catherine Awakuni Colón from the Governor; Department of Transportation; Department of Agriculture; Department of Public Safety; Department of Human Resources Development; Department of Labor and Industrial Relations; Department of Budget and Finance; Department of Health; Department of Taxation; Department of Hawaiian Home Lands; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Public Utilities Commission; Office of Enterprise Technology Services; Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs; Hawaii Pest Control Association; Hawaii Medical Service Association; Hawaiian Electric Company, Inc.; and over twenty individuals.

Upon review of the testimony, your Committee finds that Ms. Awakuni Colón's background, experience, and commitment to public service qualify her for reappointment as the Director of Commerce and Consumer Affairs. Ms. Awakuni Colón has a Bachelor of Business Administration from the University of Hawaii and her Juris Doctorate from the William S. Richardson School of Law. Ms. Awakuni Colón has been the Director of Commerce and Consumer Affairs since January 2015 and has spent the last seventeen years serving the people of Hawaii in various government roles affecting commerce and consumer affairs. Her dedicated service has enabled her to gain an intimate understanding of the operations of the Department of Commerce and Consumer Affairs, the mission it serves, and the needs and concerns of the many hardworking team members in the offices and divisions that carry out the Department's functions.

Your Committee further finds that prior to Ms. Awakuni Colón's appointment as Director of Commerce and Consumer Affairs, she served as the Administrator of the Cable Television Division within the Department of Commerce and Consumer Affairs. Her extensive understanding of the complex regulatory relationships that govern the field of telecommunications and broadband communications continue to be an asset to the Department. Ms. Awakuni Colón also previously served as the Executive Director for the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and later, as chief counsel for the Public Utilities Commission. This role provided her with unique insight into the needs of the Commission and an opportunity to understand the direct and significant effect the Commission has on the everyday lives of ratepayers and customers in the State.

During Ms. Awakuni Colón's service as Director of Commerce and Consumer Affairs, she has delivered many accomplishments for the Department. Under her leadership, the Department has formed extremely strong, collaborative relationships with other state departments and has been a valued partner in policy conversations about health insurance, the cost of care, and health care workforce shortage solutions, which are essential to a healthy Hawaii. Furthermore, during her time as Director, she has spearheaded several internal initiatives to ensure that the Department's employees provide the best possible service to the Department's constituents. She has sought to make services available online, upgraded internal and outward facing systems to increase efficiency and customer satisfaction, and improved employee's health by introducing Blue Zones practices to help reduce health care costs to the State. She has continued to demonstrate good leadership and oversight of business registration, consumer protection, and consumer advocacy in regulated utility and transportation services.

Your Committee finds that Ms. Awakuni Colón's leadership abilities, professional experience, and accomplishments will continue to be an invaluable asset to the Department of Commerce and Consumer Affairs, the State of Hawaii, and its consumers and businesses. Your Committee therefore recommends that Ms. Awakuni Colón be reappointed as the Director of Commerce and Consumer Affairs based on her extensive knowledge, background, and dedication to serving the public.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

### SCRep. 823 Commerce, Consumer Protection, and Health on S.B. No. 773

The purpose and intent of this measure is to:

- (1) Allow a class 18 small craft producer pub licensee to manufacture not more than 125,000 barrels of malt beverages on the licensee's premises during the license year;
- (2) Clarify that a class 14 brewpub licensee or class 18 small craft producer pub licensee may conduct certain activities at satellite locations other than the licensee's primary manufacturing premises under certain conditions;
- (3) Clarify the definition of growler; and
- (4) Allow direct shipment of all forms of liquor, rather than just wine, by certain licensees.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild, Maui Brewing Company, REAL Gastropub/Bent Tail Brewing Company, Waikiki Brewing Company, Honolulu BeerWorks, Kauai Beer Company, and Big Island Brewhaus. Your Committee received testimony in opposition to this measure from the Hawai'i Alcohol Policy Alliance, Hawaii Partnership to Prevent Underage Drinking, Hawaii Liquor Wholesalers Association, and six individuals. Your Committee received comments on this measure from the City and County of Honolulu Liquor Commission and Hawaii Food Industry Association.

Your Committee finds that small craft breweries typically start with investing in a manufacturing location to begin production of their craft beer with a smaller, retail satellite location to follow, usually in a different county. A single manufacturing site can produce enough beer to support more than one location. Requiring a retail site to hold a manufacturing license when no craft beer production occurs there is an extremely costly and complicated process. This measure addresses inconsistencies in existing law to ensure that a business manufacturing on one island can sell its products on another island under the proper license.

Your Committee further finds that the popularity of growlers, a type of container used to transport beer, continues to increase. Although growlers were originally made from glass, they are now made from a wider range of environmentally friendly reusable or recyclable materials. This measure simplifies and standardizes this term by defining growler to mean a recyclable or reusable container not to exceed one gallon.

Your Committee additionally finds that existing law already allows direct shipment of wine into and out of the State, but not beer or liquor. Restricting local manufacturers from delivering authentic Hawaiian products to out-of-state supporters and potential customers gives rise to a host of "faux-Hawaiian" products, and can further limit local manufacturing and tax revenues for the State. This measure achieves parity across all categories of beverage alcohol and increases the viability of local, small craft breweries.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 773, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 773, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

## SCRep. 824 Commerce, Consumer Protection, and Health on S.B. No. 1534

The purpose and intent of this measure is to:

- (1) Require an event operator to disclose the number of tickets available for sale to the general public for an event;
- (2) Prohibit a place of entertainment that is funded by donations, public funds, or is tax exempt from entering into exclusive ticketing contracts; and
- (3) Prohibit ticket sellers from disclosing ticket purchasers' personally identifiable information.

Your Committee received testimony in support of this measure from TicketNetwork. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Enterprise Services and Aloha Group International. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Department of the Attorney General.

Your Committee finds that, in 2018, the United States Government Accountability Office published a report that found ten to thirty percent of tickets for major concerts typically are offered through presales, although for major artists performing at large venues, this figure may be as high as sixty-five percent. In addition to presales, additional tickets were reserved by parties such as the venue, artist, or promoter as "holds", meaning that at the time of the official initial sale of tickets, consumers do not really have a reasonable opportunity to obtain a general on-sale ticket. Your Committee further finds that ticket sellers often exploit or share customer and business partner information with the venue, artist, team, or league without permission from the customer. This measure is intended to protect consumers by requiring greater transparency in the ticket industry.

Your Committee, however, has considered the testimony expressing concerns regarding the prohibition on exclusive ticketing contracts, as certain venues require ticket companies that are willing to take on diverse sizes and types of events. Non-exclusivity would require box office staff to navigate multiple ticket platform hardware and software, creating an untenable workload and potentially comprising customer service. Further, there are a number of practical reasons why it may be difficult for promoters to determine the number of tickets to be sold for an event at the time of original sale.

Your Committee notes that this measure is intended to be limited to those places of entertainment and venues in excess of one thousand seats and believes further clarification and consideration are warranted as this measure moves through the legislative process.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required disclosure of the number of tickets to be sold;
- (2) Deleting language that would have prohibited exclusive ticketing contracts;
- (3) Clarifying that this measure applies only to places of entertainment that exceed an unspecified number of seats;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1534, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1534, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 825 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 1240

The purpose and intent of this measure is to make permanent Act 21, Special Session Laws of Hawaii 2009, which requires the Department of Health to license home care agencies, and add a licensure exemption for Medicaid waiver provider agencies providing services to Medicaid waiver participants.

Your Committees received testimony in support of this measure from the Department of Health, Easterseals Hawaii, and The Arc in Hawaii.

Your Committees find that the Department of Health Developmental Disabilities Division operates the Medicaid Intellectual and Developmental Disabilities Home and Community-Based Services Waiver (HCBS I/DD waiver) on behalf of the Department of Human Services Med-QUEST Division. Pursuant to federal requirements to safeguard the health, safety, and rights of HCBS I/DD waiver participants, the State has implemented numerous standards, policies, and procedures pertaining to HCBS I/DD waiver program staff training and supervision.

However, your Committees find one of these state-mandated safeguards, which requires all personal care services to be performed by people who have training equivalent to the basic nurse aide course, is overly burdensome. Your Committees note that there are several types of personal care services provided under the HCBS I/DD waiver program, such as skills training, homemaking assistance, and meal planning and preparation, which are non-medical positions. Because of the nurse aide training requirement, filling these types of non-medical positions is costly and time consuming, which may impact access to services for HCBS I/DD waiver participants requirements, providing a narrow exemption for agencies that have been approved by the Department of Human Services Med-QUEST Division will ensure HCBS I/DD waiver participants receive services from qualified HCBS I/DD waiver provider agencies without unnecessary delay or increased costs.

Your Committees have amended this measure by:

- (1) Clarifying that the exclusion from licensure requirements only applies to a service provider agency providing services exclusively to HCBS I/DD waiver program participants; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1240, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1240, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara). Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

## SCRep. 826 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 1029

The purpose and intent of this measure is to require the Policy Advisory Board for Elder Affairs to establish quorum requirements through its bylaws and post its bylaws on the Executive Office on Aging's website.

Your Committees received testimony in support of this measure from the Policy Advisory Board for Elder Affairs and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received comments on this measure from the Executive Office on Aging.

Your Committees find that the Policy Advisory Board for Elder Affairs (Board) advises the Executive Office on Aging in several important ways, including identifying age-related issues and alternative approaches to solutions, producing position statements and papers, advocating legislative actions, and providing input on program development and operations. Your Committees further find that the majority of the Board's members are elders or live on neighbor islands and the Board's diverse membership is instrumental in its ability to address wide ranging issues and remain a strong advocate for the State's kupuna.

However, your Committees acknowledge that having a large number of elderly and neighbor island members has made it difficult for the Board to meet the default quorum requirement of fifty percent of members plus one for every meeting. When the Board fails to meet quorum requirements, the state sunshine law mandates that the meeting cannot be held and minutes cannot be approved. Your

Committees find that by establishing lower quorum requirements in its by-laws, the Board will be able to conform with the sunshine law and continue intelligently and reliably performing its assigned duties.

Your Committees have amended this measure by requiring a majority of currently serving Board members, but no fewer than eight, to constitute quorum.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1029, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1029, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Nishihara).

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

## SCRep. 827 (Joint) Education and Human Services on S.B. No. 1220

The purpose and intent of this measure is to prohibit the suspension and expulsion of children participating in the Executive Office on Early Learning public prekindergarten program, except in limited circumstances.

Your Committees received testimony in support of this measure from the Department of Education, Executive Office on Early Learning, Early Learning Board, Hawaii State Teachers Association, Special Education Advisory Council, Hawaii Children's Action Network, Parents and Children Together, and five individuals.

Your Committees find that according to the National Association for the Education of Young Children, as many as 8,710 three- and four-year-olds may be expelled from their state-funded preschool or prekindergarten classroom every year, which is at a rate more than three times that of their peers in kindergarten through grade twelve. This is particularly troubling given such suspensions and expulsions occur during a critical period in a child's development. This measure ensures that the State's youngest children have access to appropriate educational opportunities that will set them up to reach their highest potential and prevents many of the adverse educational and life outcomes that result from suspension and expulsion early in a child's life.

Your Committees have amended this measure by:

- (1) Deleting the extensive amendments relating to suspension and expulsion in section 302L-7, Hawaii Revised Statutes, and inserting general provisions that:
  - (A) Prohibit the use of suspension in the early learning public prekindergarten program; provided that a temporary suspension may be used under certain conditions;
  - (B) Prohibit the permanent removal of a student from the early learning public prekindergarten program due to a child's behavior; provided that the administrator of the school shall consult with the Executive Office on Early Learning on how to address persistent and serious challenging behaviors; and
  - (C) Require the Executive Office on Early Learning to be subject to chapter 8-19, Hawaii Administrative Rules, relating to student misconduct and discipline, until subsequent administrative rules are developed and adopted to address suspension and expulsion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1220, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1220, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Dela Cruz).

Human Services: Ayes, 5; Ayes with Reservations (Riviere, Fevella). Noes, none. Excused, none.

### SCRep. 828 Judiciary on S.B. No. 748

The purpose and intent of this measure is to permit two or more members of a board to attend State of the City, State of the County, State of the State, or State of the Judiciary addresses.

Your Committee received testimony in support of this measure from the Office of Information Practices. Your Committee received comments on this measure from the Civil Beat Law Center for the Public Interest.

Your Committee finds that public addresses by certain elected or appointed individuals such as the State of the City, State of the County, State of the State, and State of the Judiciary are important civic events where new policy initiatives are unveiled and the intentions of public offices are presented. Your Committee further finds that while the Sunshine Law may allow joint attendance at these types of events, clarity is needed on the scope of any discussions and activities. As currently written this measure does not address permissible and impermissible discussions of board members that may occur during and as part of the event. In addition, in keeping with the spirit of the Sunshine Law, clarity is needed to ensure that no commitment to vote is made or sought by board members at these events.

Accordingly, your Committee has amended this measure by:

- Restricting board members from discussing the business of the board while attending a State of the City, State of the County, State of the State, or State of the Judiciary address except during and as part of the event; and
- (2) Prohibiting a commitment to vote from being made or sought by any board member at these types of events.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 748, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 748, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 829 Judiciary on S.B. No. 414

The purpose and intent of this measure is to:

- Create procedural and administrative requirements for law enforcement agencies for eyewitness identifications of suspects in criminal investigations; and
- (2) Grant defendants the right to challenge any eyewitness identification to be used at trial in a pretrial evidentiary hearing.

Your Committee received testimony in support of this measure from the Office of the Public Defender. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, Maui Police Department, and Hawai'i Police Department. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that mistaken eyewitness identification contributes to a significant majority of wrongful convictions that are later overturned by DNA evidence. Your Committee further finds that during the last thirty years, a large body of peer-reviewed, scientific research and practice has emerged showing that simple systemic changes in administering eyewitness identification procedures can greatly improve the accuracy of eyewitness identifications. Your Committee additionally finds that more accurate eyewitness identifications increase the ability of police and prosecutors to solve crimes, convict the guilty, and protect the innocent.

Your Committee has amended this measure by:

- (1) Removing the requirement that eyewitnesses make a statement of how certain the eyewitness is in the event of an identification:
- (2) Clarifying that eyewitnesses are to be instructed that speaking with other witnesses or the media may hinder prosecution;
- (3) Removing the requirement that fillers in a lineup must share any unique or unusual feature with the eyewitness' description of the possible perpetrator;
- (4) Requiring the suspect to be randomly positioned in the live lineup or photo lineup for each eyewitness;
- (5) Requiring all showups to be conducted blind unless to do so would place an undue burden on law enforcement or the investigation;
- (6) Clarifying that either the prosecution or the defendant may request, upon motion, a pretrial evidentiary hearing as to the reliability of the eyewitness identification evidence offered;
- (7) Simplifying the procedural requirements for pretrial evidentiary hearings;
- (8) Changing the effective date to February 1, 2021; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 414, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 414, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 830 Judiciary on S.B. No. 197

The purpose and intent of this measure is to establish an exemption from the prohibition against using election campaign funds to make charitable donations to or award scholarships during the period from the filing of nomination papers to the date of the general election for candidates who are already declared elected to office after running unopposed in an election or who would be unopposed in the general election.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that campaign finance law already allows candidates to use campaign funds to make charitable donations and award scholarships with the restriction that a candidate cannot make donations or award scholarships between the date that the candidate files nomination papers to the date of the general election. Your Committee additionally finds that this restriction is not necessary in the case of candidates who are already declared elected to office after running unopposed in an election or who would be unopposed in the general election. This measure will allow charitable donations and the award of scholarships in these specific circumstances.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 197 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 831 Judiciary on S.B. No. 1035

The purpose and intent of this measure is to extend the amount of time that a victim of child sexual abuse can bring a civil cause of action.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Rainbow Family 808, AAUW of Hawaii, Sex Abuse Treatment Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Save Medicaid Hawaii, and ten individuals. Your Committee received testimony in opposition to this measure from the National Association of Mutual Insurance Companies.

Your Committee finds that in the United States, one in five girls and one in twenty boys is a victim of child sexual abuse and studies show that between sixty and eighty percent of survivors withhold disclosure. Your Committee further finds that of those who delay disclosure until adulthood, the average delay has been found to be approximately twenty years, with some survivors delaying up to fifty years. Your Committee additionally finds that there are many reasons that child victims delay disclosing sexual abuse, including the particular stage of cognitive development, limited capacity to understand what happened, confusion about their feelings, limited ability to express complaints, and fear of retaliation or harmful impacts on their family or community. Your Committee also finds that the victims of child sexual abuse should be able to seek justice through the courts without being confined to a set window of opportunity.

Accordingly, your Committee has amended this measure by repealing the civil statute of limitations for child sexual abuse.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1035, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1035, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 832 (Joint) Human Services and Judiciary on S.B. No. 1232

The purpose and intent of this measure is to clarify in Act 176, Session Laws of Hawaii 2018, the exemption from the disclosure requirements for child care facilities.

Your Committees received testimony in support of this measure from the Department of Human Services.

Your Committees find that Act 176, Session Laws of Hawaii 2018 (Act 176), specified the process for disclosure of a confirmed report of child abuse or neglect that occurred at a licensed or registered child care facility. This measure corrects an incorrect reference to licensed child care facilities in Act 176 and clarifies when the Department of Human Services may disclose that a confirmed report of child abuse or neglect has occurred at a child care facility operating in accordance with an exclusion or exemption permitted under law, which will cover reporting requirements for all child care situations.

Your Committees have amended this measure by:

- Clarifying that the Department of Human Services may disclose certain information upon receipt of consent, rather than proper consent; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1232, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1232, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none. Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

### SCRep. 833 Ways and Means on S.B. No. 1428

The purpose and intent of this measure is to authorize any county with a population equal to or less than five hundred thousand that adopts a county surcharge on state tax ordinance to expend the surcharge revenues to address infrastructure and public safety needs.

Your Committee received testimony in support of this measure from the Office of the Mayor, County of Hawaii; Office of the Mayor, County of Kauai; and one individual.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that this measure would provide counties with smaller populations flexibility in the use of revenues generated from their surcharges on the state general excise tax and use tax.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1428, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1428, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Moriwaki, Taniguchi). Noes, none. Excused, 2 (Harimoto, Inouye).

### SCRep. 834 Ways and Means on S.B. No. 1362

The purpose and intent of this measure is to raise the conveyance tax rates for residential investment properties having a value of at least \$2,000,000.

This measure also exempts the conveyance of real property that is subject to a government assistance program qualified by the Hawaii Housing Finance and Development Corporation from the conveyance tax.

Your Committee received testimony in support of this measure from the Americans for Democratic Action Hawaii, Church of the Crossroads, Hawaii Alliance for Community-Based Economic Development, League of Women Voters of Hawaii, Hawaiian Community Assets, and several individuals.

Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii, Chamber of Commerce Hawaii, and Hawaii Association of Realtors.

Your Committee received comments on this measure from the Department of Taxation, Hawaii Housing Finance and Development Corporation, Tax Foundation of Hawaii, and Faith Action for Community Equity.

Your Committee finds taxing the transfers of very high value property at much higher levels will serve to lessen the growing inequality in income and wealth between a small but wealthy segment of the population and the much larger but poorer segment of the population.

Your Committee has amended this measure to clarify the exemption for the conveyance of real property that is subject to a government assistance program by:

- Specifying that the real property shall be conveyed by an owner-occupant, the government assistance program shall be for
  affordable housing, and the owner-occupant shall receive certification from the Hawaii Housing Finance and Development
  Corporation in order to qualify for the exemption; and
- (2) Removing non-restrictive language relating to the purpose of the exemption.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1362, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1362, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Riviere). Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

### SCRep. 835 Ways and Means on S.B. No. 395

The purpose and intent of this measure is to repeal the existing statutory exemption from the imposition of the conveyance tax on realty leases of less than five years.

Your Committee received testimony in opposition to this measure from the Hawaii Association of Realtors.

Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that this measure will provide enhanced revenues to the beneficiaries of the conveyance tax.

Your Committee has amended this measure by:

- (1) Exempting leases of residential property of one year or less from the conveyance tax; and
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 395, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 395, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13; Ayes with Reservations (Riviere). Noes, none. Excused, none.

## SCRep. 836 Ways and Means on S.B. No. 497

The purpose and intent of this measure is to require applicants for grants awarded by the Legislature pursuant to chapter 42F, Hawaii Revised Statutes, to provide certain documentation before they may qualify to receive those grants.

Your Committee received testimony in support of this measure from the Office of Community Services and Hawaii Alliance of Nonprofit Organizations.

Your Committee finds that the measure will help the Legislature and the state offices charged with administering grants ensure that potential grantees are in good standing to do business with the State, legally eligible for awards, well-established, and have the infrastructure necessary to successfully execute their proposed programs or projects.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 497, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 497, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 837 Ways and Means on S.B. No. 795

The purpose and intent of this measure is to appropriate funds for various operating expenses of the Department of Budget and Finance.

Your Committee received testimony in support of this measure from the Employer-Union Health Benefits Trust Fund.

Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure includes additional funding requests from the Department of Budget and Finance for fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee has amended this measure by:

- (1) Deleting a provision to fund two deputy public defender II positions;
- Clarifying that an appropriation to the Employees' Retirement System for a new benefits administration system also authorizes three temporary positions;
- (3) Clarifying that an appropriation to establish one new position for the Employer-Union Health Benefits Trust Fund also includes funds for the program;
- (4) Providing that an appropriation for the Employees' Retirement System shall be used for an actuarial experience study and legal costs; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 795, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 795, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 838 (Joint) Commerce, Consumer Protection, and Health and Hawaiian Affairs on S.B. No. 193

The purpose and intent of this measure is to require at least three members of the State Council on Mental Health to have demonstrated knowledge or experience with Native Hawaiian concepts of well-being, mental health, or healing practices.

Your Committees received testimony in support of this measure from the Department of Human Services, Department of Health, Office of Hawaiian Affairs, Council for Native Hawaiian Advancement, AlohaCare, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Hawaii Alliance for Community-Based Economic Development, Early Childhood Action Strategy, Hawaii Public Health Association, Papa Ola Lōkahi, Kokua Kalihi Valley, Alii Pauahi Hawaiian Civic Club, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, 'Aha Kāne Foundation for the Advancement of Native Hawaiian Males, Kuaianu Ulu 'Auamo, Kamehameha Schools, Hawaii Council of the Association of Hawaiian Civic Clubs, Hawaii Public Health Institute, Waimānalo Pono Research Hui, eighty-one individuals, and a form letter signed by eight individuals. Your Committees received comments on this measure from one individual.

Your Committees find that Native Hawaiians are disproportionately impacted by mental health concerns, the repercussions of which can have a deleterious effect on affected individuals, their families, and the community. Mental health disparities between Native Hawaiians and other ethnic groups in the State start early, with Native Hawaiian children over-represented as victims of abuse and neglect, over-represented in youth suicide attempts and deaths, and with Native Hawaiian youth maintaining some of the highest rates of drug use in the State.

Your Committees further find that Native Hawaiians tend to underutilize existing mental health services, seek therapy only after their illness has become severe, or leave treatment prematurely. Cultural incongruence with western mental health approaches may be a driving factor in Native Hawaiians' underutilization of mental health services, as experts note that clients are more likely to seek out and use mental health services when their values and beliefs align with the interventions provided. Your Committees also find that including individuals with expertise or experience in Native Hawaiian health and healing values on the State Council on Mental Health will help promote programs and services that can effectively target the Native Hawaiian community's mental-health associated disparities.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 193 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Nishihara, Ruderman). Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Kahele).

### SCRep. 839 Commerce, Consumer Protection, and Health on S.B. No. 251

The purpose and intent of this measure is to provide a limited exemption from state licensure requirements to out-of-state physicians who accompany a sports team to a specific sporting event in Hawaii or are invited to provide services at a national sport training center, event, or competition in Hawaii, if certain conditions are met.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs and Hawaii Medical Board.

Your Committee finds that amateur, collegiate, and professional sports teams regularly have an affiliated physician who travels with the team to provide ongoing and emergency medical care. However, existing law does not provide a narrowly-tailored exemption from licensure requirements for physicians traveling with a sports team for a sporting event of limited duration. This measure therefore provides a licensed out-of-state physician a limited exemption from licensure requirements, which will enable the out-of-state physician to provide medical services to a sports team while traveling within the State for sports-related events.

Your Committee notes that the Hawaii Medical Board has not yet convened to discuss this measure but will do so on March 14, 2019. Accordingly, this measure is a vehicle for further consideration and discussion as it advances through the legislative process.

Your Committee has amended this measure by:

- Requiring an out-of-state physician who is traveling with a sports team to provide written notice to the Hawaii Medical Board
  describing the event, the dates, the teams, and the services to be provided, thirty days prior to the event;
- (2) Clarifying that the licensure exemption shall remain in force for two days prior to the sporting event, the duration of the sporting event, and two days after the sporting event; provided that the exemption shall be for no more than ten days per individual sporting event;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 251, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 251, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 840 Commerce, Consumer Protection, and Health on S.B. No. 552

The purpose and intent of this measure is to revive for one year certain sections of the repealed chapter 514A, Hawaii Revised Statutes, to allow certain developers to continue sales using their chapter 514A, Hawaii Revised Statutes, public reports without revising their governing documents, under specific circumstances.

Your Committee received testimony in support of this measure from the Real Estate Commission, Associa, and American Resort Development Association Hawaii.

Your Committee finds that Act 181, Hawaii Revised Statutes (Act 181), repealed chapter 514A, Hawaii Revised Statutes, relating to condominium property regimes. Act 181 authorized developers to continue sales using their timely reports filed under the now-repealed sections of chapter 514A, Hawaii Revised Statutes, without having to register under chapter 514B, so long as the chapter 514A public reports were active, accurate, and not misleading. However, some, usually smaller, condominium projects were unable to meet Act 181's December 31, 2018, deadline for an automatic transfer of active and accurate projects to chapter 514B, Hawaii Revised Statutes, due to natural disasters and lack of time, resources, and necessary professionals. This measure revives pertinent sections of the repealed statutes for one year to provide these developers an opportunity to update their public reports without revising any of their governing documents, if certain criteria are met.

Your Committee notes the concerns raised in testimony that this measure may have certain unintended consequences on time share plans. Therefore, amendments to the measure are necessary.

Your Committee has amended this measure by:

- (1) Clarifying the citation for the specific statute that requires a developer's public report;
- (2) Clarifying that condominium property regimes are not required to revise governing documents for sales of time share interests in such condominium property regimes;
- (3) Exempting duly registered time share projects from providing developer's public reports to the Real Estate Commission under certain circumstances;
- (4) Inserting an effective date of July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 552, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 552, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

## SCRep. 841 Commerce, Consumer Protection, and Health on S.B. No. 991

The purpose and intent of this measure is to:

- (1) Exempt public telecommunications utilities that provide basic exchange service to every county from certain utility rate regulation and ratemaking procedures and provisions; and
- (2) Clarify other requirements relating to basic exchange service for telecommunications carriers and public utilities.

Your Committee received testimony in support of this measure from Hawaiian Telcom and Verizon. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs, Aloha State Association of the Deaf, and Charter Communications. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that, in the past several decades, as the telecommunications industry has become more competitive, regulation of businesses offering telecommunications services in Hawaii has been significantly reduced through legislative action and Public Utilities Commission (Commission) orders. Enabling robust competition in the market and supporting a level playing field for all competitors, while also ensuring high quality customer service from telecommunication service providers, is in the public interest. This measure would, in part, amend the existing regulatory framework and alleviate burdens from rules and regulations that limit certain providers' ability to compete in a competitive, growing market.

Your Committee, however, has considered the testimony expressing concerns that this measure creates a number of uncertainties that could result in unintended and undesirable consequences and removes a number of important consumer protections. This measure would essentially eliminate all of the Commission's oversight in retail and wholesale telecommunications markets, as well as potentially eliminate its ability to ensure non-discriminatory and full access to infrastructure, especially in less-competitive rural markets like neighbor islands.

Your Committee notes that the Division of Consumer Advocacy and a number of stakeholders have discussed mutually agreeable amendments to this measure to address these concerns.

Accordingly, your Committee has amended this measure by:

- Deleting language that would have exempted a public utility providing basic exchange service to every county from oversight by the Commission and Consumer Advocate and certain requirements governing the public utilities;
- (2) Deleting language that would have exempted a publicly traded public utility providing basic exchange service to every county from filing any financial reports with the Commission;
- (3) Clarifying that a telecommunications carrier shall not be required to obtain approval to establish or modify its terms and conditions;
- (4) Providing telecommunications carriers with certain exemptions related to rate making approval and cross subsidies; provided that, on an annual basis, the monthly rate increase for basic exchange service in any county with a population of less than 500,000 shall not exceed \$6.50 without the Commission's approval;
- (5) Reverting to the existing statutory language regarding all rates, fares, charges and bundled service offerings, and clarifying that this information and the service terms and conditions shall be posted on the local exchange carrier's website;
- (6) Specifying that telecommunications service providers may issue securities and other evidences of indebtedness without approval from the Commission, as long as notification of the transaction is provided to the Commission and Consumer Advocate;
- (7) Specifying that a telecommunications service provider providing fully competitive retail services may sell or dispose of property or equipment without approval from the Commission, but requiring authorization from the Commission in the event of any merger or consolidation, with another public utility;
- (8) Specifying that a telecommunications service provider providing fully competitive retail services is exempt from filing accident reports connected with its operations and service with the Commission;
- (9) Deleting language that would have allowed a public utility to issue securities and other evidences of indebtedness payable at periods of more than twelve months after the date of the issuance, for any purpose, without first obtaining approval from the Commission;
- (10) Clarifying that Commission approval is only necessary for a transaction involving a public utility that consists of fifty percent or more of the voting stock of a corporation organized under the laws of the State and twenty-five percent or more of the voting stock of the corporation is to be held by a single foreign corporation or nonresident alien;
- (11) Deleting language that would have allowed a public utility providing basic exchange service to every county in the State to sell, lease, assign, dispose of, or encumber its property by any means without approval of the Commission as long as notice was provided to the Commission within thirty days;
- (12) Clarifying that the Commission may allow telecommunications carriers to have pricing flexibility for services that the Commission finds are effectively competitive; provided that universal service is preserved and advanced;
- (13) Clarifying the Commission's responsibility to ensure customers have access to advanced services; and
- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 991, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 991, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman).

## SCRep. 842 Commerce, Consumer Protection, and Health on S.B. No. 25

The purpose and intent of this measure is to update and improve insurance laws under title 24, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Board of Nursing; Board of Pharmacy; University of Hawaii System; Hawaii Insurers Council; Hawaii Medical Service Association; Hawaii Captive Insurance Council; Zephyr Insurance Company, Inc.; American Council of Life Insurers; and one individual.

Your Committee finds that this measure is intended to update and improve various areas of the State's insurance laws. This measure modernizes provisions, removes antiquated systems, and benefits insurers and consumers by removing redundancy, time, and cost barriers.

Your Committee has amended this measure by:

- (1) Clarifying that the short-term health insurance preexisting disclosure requirement does not apply to accident-only health insurance:
- (2) Clarifying that a health care provider who performs a service is eligible for reimbursement to the extent that the health care provider is eligible for reimbursement under a policy, contract, plan, or agreement, and is acting within the scope of the provider's license or certification under state law;
- (3) Inserting an effective date of October 1, 2019, relating to proposed name changes and use of a trade name or assumed name; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 25, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 25, S.D. 2, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

## SCRep. 843 Commerce, Consumer Protection, and Health on S.B. No. 535

The purpose and intent of this measure is to clarify the scope of practice of pharmacists to authorize pharmacists to prescribe and dispense an opioid antagonist to individuals at risk for an opioid overdose or the family members or caregiver of the individual at risk for an opioid overdose.

Your Committee received testimony in support of this measure from the Department of Health, Board of Pharmacy, University of Hawai'i at Hilo, Kaiser Permanente Hawai'i, Drug Policy Forum of Hawaii, Walgreen Co., Hawaii Substance Abuse Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and nine individuals. Your Committee received comments on this measure from the Hawaii Medical Service Association.

Your Committee finds that Hawaii is one of the last states where opioid antagonists are not made widely available in the community through pharmacies. Deaths caused by opioids are often preventable with timely administration of an opioid antagonist, such as naloxone. Opioid antagonists remain underutilized in many overdose situations because many overdoses occur in places where immediate access to opioid antagonists is unavailable and first responders cannot reach a patient in time. Your Committee further finds that the Board of Pharmacy's Pharmacy Working Group has determined that, in addition to family members, caregivers, or the individuals at risk for an opioid antagonist, further clarification is needed with respect to the name on the prescription written by the pharmacist and to whom the opioid antagonist can be dispensed. Allowing an opioid antagonist to be prescribed and dispensed in the name of the individual requesting it would make opioid antagonists more widely available in the community and aid in the reduction of drug overdoses in the State.

Your Committee notes that the Department of Health and interested stakeholders have had an opportunity to discuss potential amendments to this measure, to ensure that all pharmacies will be able to prescribe and dispense opioid antagonists for individuals at risk for an opioid overdose and make certain that opioid antagonists are widely available to anyone who requests them. Amendments to this measure are therefore necessary to incorporate this consensus language.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that a pharmacist acting in good faith and exercising reasonable care may prescribe and dispense an opioid antagonist:
- (2) Inserting a definition for "at risk for an opioid overdose";
- (3) Inserting a sunset date of June 30, 2024; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 535, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 535, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

### SCRep. 844 Commerce, Consumer Protection, and Health on S.B. No. 826

The purpose and intent of this measure is to provide insurers with an exemption from the requirement of providing all of its customers with annual privacy notices, under certain circumstances.

Your Committee received testimony in support of this measure from the American Council of Life Insurers, American Property Casualty Insurance Association, Kaiser Permanente Hawaii, and Hawaii Medical Service Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and State Farm Mutual Automobile Insurance Company.

Your Committee finds that existing law requires an insurer to send annual privacy notice updates to all of its customers in accordance with the federal Gramm-Leach-Bliley Act (GLBA). In 2015, President Obama signed the Fixing America's Surface Transportation Act (FAST Act), which included amendments to the privacy provisions of the GLBA and eliminated the costly and time consuming requirement of redundant annual privacy notices under certain conditions. So far, at least thirty-two states have adopted provisions of the FAST Act to allow insurers relief from the annual privacy notice requirement. This measure would enact provisions of the FAST Act to remove the annual requirement if an insurer meets certain conditions. However, your Committee does acknowledge the testimony received from the Department of Commerce and Consumer Affairs, indicating that there may be certain situations where an insurer, after an initial notice, may never have to send its customers a subsequent privacy notice.

Your Committee has amended this measure by:

- (1) Specifying that insurers are allowed to provide a privacy statement to customers at least once every three years rather than annually, under certain circumstances;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 826, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 826, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman).

## SCRep. 845 Judiciary on S.B. No. 489

The purpose and intent of this measure is to:

- (1) Establish an offense of knowingly capturing, taking, possessing, abusing, entangling, or killing a shark in state marine waters, along with penalties and fines;
- (2) Expand the existing prohibition on knowingly capturing or killing a manta ray in state marine waters to apply to all rays and also include knowingly taking, possessing, abusing, or entangling a ray; and
- (3) Provide certain exemptions.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Land and Natural Resources, The Nature Conservancy, One Ocean Conservation, Keiko Conservation, One Ocean Diving, O'ahu County Commission on Legislative Priorities of the Democratic Party of Hawai'i, Divers for Sharks, Humane Society of the United States, Titi Conservation Alliance, and twenty-four individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies; Hunting, Farming and Fishing Association; Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; and three individuals.

Your Committee finds that sharks and rays are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that article XI, section 1, of the Hawaii State Constitution provides that the State "shall conserve and protect Hawaii's natural beauty and all natural resources". This measure will provide protection for sharks and rays by establishing and expanding prohibitions against knowingly capturing or killing them.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 489, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 489, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 846 Judiciary on S.B. No. 1041

The purpose and intent of this measure is to:

- (1) Prohibit written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's conditions of employment; and
- (2) Prohibit employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, AAUW of Hawaii, Planned Parenthood Votes Northwest and Hawaii, SAG-AFTRA Hawaii Local, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Women Lawyers, and two individuals.

Your Committee finds that it is common for victims of sexual harassment and assault not to report abuse for fear of retaliation. Your Committee further finds that nondisclosure agreements that prevent the disclosure of sexual harassment as a condition of employment have the impact and effect of further silencing victims and allowing serial perpetrators to continue harassing others. This measure will prohibit employers from requiring employees to sign sexual harassment or sexual assault nondisclosure agreements as a condition of employment and further prohibit retaliation by an employer if an employee does disclose sexual harassment or sexual assault.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1041, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1041, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 847 Judiciary on S.B. No. 122

The purpose and intent of this measure is to prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

Your Committee received testimony in support of this measure from the Office of the Governor, Hawaii Public Housing Authority, Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Aloha Independent Living Hawaii. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS and one individual.

Your Committee finds that low-income individuals, who are the most likely participants in housing assistance programs, experience extreme difficulty in finding affordable rentals in Hawaii and are often faced with discrimination based on their source of income. Your Committee further finds that discrimination against recipients of housing assistance programs is prohibited in twelve states and the District of Columbia, as well as numerous cities and counties throughout the United States. Your Committee additionally finds that a prohibition against discrimination based on participation in a housing assistance program or requirements related to participation in a housing assistance program does not alter or restrict the standard industry practices to vet prospective renters.

Upon recommendation of the Hawaii Civil Rights Commission, your Committee has amended this measure by:

- (1) Removing from chapter 515, Hawaii Revised Statutes, the fair housing chapter, the prohibition against discrimination based on participation in a housing assistance program or requirements related to participation in housing assistance programs and instead placing the prohibition into a new chapter of the Hawaii Revised Statutes, outside of the jurisdiction of the Hawaii Civil Rights Commission;
- (2) Limiting the scope of the prohibition to discrimination based on participation in a government assistance program by amending the definition of "housing assistance program"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 122, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 122, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 848 Commerce, Consumer Protection, and Health on S.B. No. 671

The purpose and intent of this measure is to exempt students in post-secondary education programs from immunization requirements if they attend classes exclusively online or through distance learning.

Your Committee received testimony in support of this measure from the University of Hawai'i System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Chaminade University of Honolulu. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that post-secondary online education and distance learning programs expand access to higher education and workforce development opportunities. For example, the University of Hawaii offers a multitude of online and distance learning courses, with 1,428 online classes offered in the fall of 2018. These courses provide more flexibility in location and schedule for students who are working, have family responsibilities, or have other challenges participating in on-campus classes.

Your Committee further finds that existing Hawaii Administrative Rules require post-secondary students, including students in online or distance learning programs who do not attend classes in person, to provide immunization records with evidence of certain vaccinations. The Department of Health is currently proposing a rule change to exempt students who participate in fully online programs from the immunization requirements. However, that rule change is still in the process of being adopted. Therefore, this measure provides an exemption from the immunization requirements for these students in a timely and expedient manner.

Your Committee has amended this measure by:

(1) Inserting an effective date of July 1, 2020; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 671, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 671, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 849 Judiciary on S.B. No. 334

The purpose and intent of this measure is to:

- (1) Codify the administrative rule definition of "assistance animal";
- Clarify the type of verification an individual may provide to substantiate a reasonable accommodation request for an assistance animal; and
- (3) Specify that possession of a vest or other distinguishing garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute a valid verification of a disability-related need for an assistance animal.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi and one individual. Your Committee received testimony in opposition to this measure from Hawaiian Properties, Ltd.; and one individual. Your Committee received comments on this measure from the Disability and Communication Access Board and Hawaiʻi Civil Rights Commission.

Your Committee finds that Act 217, Session Laws of Hawaii 2018, narrowed the definition of "service animal" to mean "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability" and requires that the work or tasks performed by the service animal relate directly to the individual's disability. Your Committee further finds that the Americans with Disabilities Act includes a broader term "assistance animal", which is used under the federal and state fair housing laws, and includes a wider category of animals who provide support, including emotional support animals and service animals. Your Committee additionally finds that "assistance animal" is defined under the State's administrative rules, but not in statute. This measure will codify the definition of "assistance animal" and bring state law into closer conformity with the federal Americans with Disabilities Act.

Your Committee has amended this measure by:

- (1) Clarifying that a housing provider may request verification to be provided by a person with a disability to establish the disability-related need for a specific assistance animal rather than an assistance animal in general; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 334, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 334, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 850 Judiciary on S.B. No. 1371

The purpose and intent of this measure is to:

- (1) Prohibit the use of lay nets to take aquatic life, except under a permit obtained by the Department of Land and Natural Resources or as otherwise permitted pursuant to article XII, section 7, of the Hawaii State Constitution; and
- (2) Establish the use of lay nets to take aquatic life as a misdemeanor offense with a mandatory minimum period of imprisonment of one day or, for a first offense, a fine of no less than \$1,000.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Big Island Fisheries Alliance; Hunting, Farming, and Fishing Association; Hawai'i Goes Fishing; and nine individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the Department of Land and Natural Resources regulates lay net fishing through detailed restrictions on net dimensions, mesh size, soak time, time of day, frequency between sets, location, water depth, and inspection requirements. Your Committee further finds that all lay nets are required to be registered with the Department and marked with identification tags and surface buoys. However, your Committee additionally finds that despite these detailed regulations, which are intended to ensure responsible use of lay nets, the irresponsible use of lay nets continues with adverse impacts to fishery resources and protected species. This measure will establish strong penalties for the unlawful use of lay nets while allowing permit holders to continue using lay nets as regulated by the Department.

Your Committee has amended this measure by removing the mandatory sentence of imprisonment for a term of one day or a fine of not less than \$1,000 and instead making the penalties for use of lay nets for fishing the standard penalties for a misdemeanor offense.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1371, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1371, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

### SCRep. 851 Judiciary on S.B. No. 701

The purpose and intent of this measure is to:

- (1) Require any Hawaiian words or names included in public acts and transactions to be accurate, appropriate, and authentic;
- (2) Require all newly created, replaced, or reprinted state and county documents, letterheads, symbols, and emblems to contain accurate, appropriate, and authentic Hawaiian names and words; and
- (3) Clarify that the full text of bills and other official documents are not required to be written in Hawaiian and that misspelled or incorrectly punctuated Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Center for Hawaiian Sovereignty Studies, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that the State has reaffirmed Hawaiian as one of its official languages since 1978, and the Legislature has supported efforts to incorporate the Hawaiian language into official state writings, emblems, and signs. Your Committee further finds that despite statutory recognition of the Hawaiian language as an official language of the State, the Governor vetoed House Bill No. 1984, S.D. 1, C.D. 1, Regular Session of 2012, relating to Hawaiian language, which would have strengthened the recognition and furthered the usage of Hawaiian in official documents. Your Committee additionally finds that the veto message indicated concerns about possible misspellings and misinterpretation of Hawaiian words and their effect on official documents. This measure will enhance the use of the Hawaiian language in official state documents while ensuring that Hawaiian words and names are as accurate, appropriate, and authentic as possible.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 701, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 701, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 852 Ways and Means on S.B. No. 144

The purpose and intent of this measure is to clarify and strengthen the State's lobbyist law.

Specifically, this measure:

- (1) Repeals the restriction on access to transcripts from public contested hearings;
- (2) Changes the requisite level of intent to violate the lobbyist law from wilfully to negligently; and
- (3) Authorizes the state ethics commission to assess an administrative fine pursuant to a settlement agreement.

Your Committee believes that a lower level of proof with respect to the actor's intent to violate the lobbyist law is appropriate, given that the penalty involves only a civil administrative fine.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 144, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 144, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 853 Ways and Means on S.B. No. 242

The purpose and intent of this measure is to prohibit the State's Medicaid managed care and fee for service programs from denying coverage for home and community-based services to individuals who have been diagnosed with autism or fetal alcohol spectrum disorder.

Your Committee received written comments in support of this measure from Hawaii Fetal Alcohol Spectrum Disorders Action Group, Kelii Foundation, Hawaii Substance Abuse Coalition, Hawaii Disability Rights Center, Hawaii Psychological Association, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and several individuals.

Your Committee received written comments on this measure from the Department of Health, Department of Human Services, and Autism Society of Hawaii.

Your Committee finds that this measure will help to ensure that individuals diagnosed with autism or fetal alcohol spectrum disorder have access to services that will allow them to more fully participate in their communities.

Your Committee has amended this measure by:

- (1) Correcting the definition of "therapeutic care" to refer to licensed, rather than registered, occupational therapists;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive change for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 242, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 242, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

#### SCRep. 854 Ways and Means on S.B. No. 327

The purpose and intent of this measure is to require the Department of the Attorney General to condemn three roads on the island of Oahu.

Your Committee received written comments on this measure from the Department of Health.

Your Committee finds that roads located throughout the State that have no clear ownership and do not receive any maintenance or repairs are a hazard to the environment and the public's health and safety and should be condemned.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 327, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 327, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 855 Ways and Means on S.B. No. 411

The purpose and intent of this measure is to provide that certain exemptions from requirements to obtain certain certificates of inspection, registration, and licensing extend to marine terminal equipment used near neighbor island harbors.

Your Committee received written comments in support of this measure from Matson Navigation.

Your Committee finds that extending the current marine terminal equipment exemptions to the neighbor islands will allow shipping companies on neighbor islands to move marine terminal equipment without having to first secure permits or waivers from the Department of Transportation.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 411, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 411, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 856 Ways and Means on S.B. No. 472

The purpose and intent of this measure is to appropriate funds for a feasibility and cost study relating to the construction of a new boat ramp and pier in the Puna district on the island of Hawaii.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Luana Jones, representing fishermen, tour boats, families, and the Puna community; Moku Nui Lava Tours, LLC; and numerous individuals.

Your Committee finds that recent lava flows have left the Puna district without a usable boat ramp and pier. Your Committee recognizes that the old boat ramp at Pohoiki was a major economic driver for the Puna district and Hawaii island as a whole.

Your Committee further notes that the issuance of general obligation bonds may be a more appropriate means of addressing this issue.

Your Committee has amended this measure by changing the appropriation to an unspecified amount to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 472, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 472, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 857 Ways and Means on S.B. No. 657

The purpose and intent of this measure is to clarify and extend certain electric vehicle parking benefits authorized by the State.

Specifically, this measure amends Act 168, Session Laws of Hawaii 2012, to:

- (1) Clarify that electric vehicles are not exempt from paying for non-metered fee parking when parked for any period longer than an initial four hours; and
- (2) Extend the repeal date of Act 168 from June 30, 2020, to June 30, 2030.

Your Committee received written comments in support of this measure from the Strategic Industries Division of the Department of Business, Economic Development, and Tourism; the Department of Accounting and General Services; the Department of Transportation Services of the City and County of Honolulu; Big Island EV Association; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaiian Electric Company, Inc.; Tesla; and numerous individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from Alliance of Automobile Manufacturers, Blue Planet Foundation, and Ulupono Initiative.

Your Committee finds that extending certain electric vehicle incentives will help to reduce the State's dependence on fossil fuels.

Your Committee has amended this measure by:

- (1) Shortening the extension of the repeal date of Act 168, Session Laws of Hawaii 2012, from the originally proposed repeal date extension of June 30, 2030, to June 30, 2023;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 657, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 657, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 858 Ways and Means on S.B. No. 663

The purpose and intent of this measure is to facilitate the enforcement of traffic control signal laws.

Specifically, this measure:

- (1) Establishes a Red Light Running Committee to review this measure and make recommendations on how to improve it before it is implemented;
- (2) Establishes a photo red light imaging detector systems program to improve enforcement of traffic control signal laws; and
- (3) Requires fines collected pursuant to the foregoing program to be deposited into a photo red light imaging detector systems program special fund.

Your Committee received written comments in support of this measure from the Department of Transportation; Office of the Mayor, City and County of Honolulu; Honolulu Police Department; Department of Transportation Services, City and County of Honolulu; Hawaii Bicycling League; Peoples Advocacy for Trails Hawaii; Blue Zones Project; and numerous individuals.

Your Committee received written comments in opposition to this measure from two individuals.

Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that an increased number of drivers, especially those who run red lights, have been violating traffic laws. Your Committee also finds that traffic enforcement systems in other states and countries such as Canada that use photo red light imaging detector technology have deterred red light runners. Accordingly, your Committee believes that the establishment of a photo red light imaging detector system within the State may improve safety and prevent hazardous traffic situations from occurring.

Your Committee has amended this measure by:

- Correcting a reference to the month of implementation of the photo speed imaging detector system created by Act 234, Session Laws of Hawaii 1998;
- (2) Clarifying that the Department of Transportation shall expend money from fines collected from violators of certain traffic laws regarding red lights in the county in which the fines were collected;
- (3) Changing the effective date:
  - (A) Except for the establishment of the Red Light Running Committee, to July 1, 2050; and
  - (B) Of the establishment of the Red Light Running Committee to July 1, 2049;

to facilitate further discussion on the measure; and

(4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 663, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 663, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 859 Ways and Means on S.B. No. 712

The purpose and intent of this measure is to exclude foreign partnerships, foreign limited liability partnerships, foreign limited partnerships, and foreign limited liability companies from the definition of "resident person" under the Hawaii Real Property Tax Act.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the Hawaii Real Property Tax Act, also known as HARPTA, requires every buyer of real property to withhold and pay to the Department of Taxation seven and one-quarter per cent of the amount realized on the disposition of Hawaii real property. However, section 235-68, Hawaii Revised Statutes, provides an exemption from this requirement when the seller of the real property is a "resident person". Removing foreign partnerships, foreign limited liability companies, and foreign limited liability partnerships from the definition of "resident person" would make them ineligible for the exemption from the withholding of tax on the disposition of Hawaii real property.

Your Committee has amended this measure by changing the effective date to January 1, 2020.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 712, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 712, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 860 Ways and Means on S.B. No. 763

The purpose and intent of this measure is to require that the Department of Business, Economic Development, and Tourism, in consultation with the Department of Agriculture, conduct a study assessing the economic impacts of and recommending solutions to the sale of products in the United States using misleading place-based marketing, or the sale of products held out to be of or from Hawaii but that actually have no material connection to the State.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Coffee Association, Shaka Tea, Onomea Tea Company, Kamiloiki Brand Mamaki, and seven individuals.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that this measure will help protect the integrity of Hawaii's brands and economy by establishing the scope of and offering solutions to the issue of companies selling products in the United States using place-based marketing having no material connection to the State, a practice that disadvantages local companies and producers.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 763, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 763, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 861 Ways and Means on S.B. No. 837

The purpose and intent of this measure is to encourage and support the growth of new, small, and diversified farming businesses.

More specifically, this measure excludes from the income tax the lesser of fifty-one percent or \$50,000 of gross annual income earned by a farmer.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Farm Bureau, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Ulupono Initiative.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that Hawaii imports far more goods and services than it exports, resulting in a significant negative trade flow. Your Committee also finds that the two largest trade imbalances are in the areas of energy and agriculture. Your Committee further finds that more efforts are needed to address the imbalance in agricultural trade and significantly expand food production in the State.

Your Committee has amended this measure by:

- (1) Clarifying the entities to which the income tax exclusion applies;
- (2) Replacing the term "farming activities" with "agricultural activities";
- (3) Defining the term "value-added";
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 837, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 837, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

#### SCRep. 862 Ways and Means on S.B. No. 838

The purpose and intent of this measure is to facilitate land conservation.

Specifically, this measure:

- Increases the proportion of moneys in the land conservation fund that may be used to protect, maintain, restore, or provide greater public access to lands acquired by the fund;
- (2) Increases the maximum dollar amount of conveyance tax revenues that shall be paid into the land conservation fund; and
- (3) Appropriates moneys from the land conservation fund for resource land acquisition.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, The Nature Conservancy, The Trust for Public Land, Hawaiian Islands Land Trust, and one individual.

Your Committee received written comments on this measure from the Office of the Auditor and Tax Foundation of Hawaii.

Your Committee finds that this measure will increase the funding available for purchasing and protecting land that shelters exceptional, unique, and threatened resources.

Your Committee notes that an appropriation of \$7,482,115 for the land conservation fund has been recommended for both fiscal years 2019-2020 and 2020-2021.

Your Committee has amended this measure by changing the appropriation from the land conservation fund to an unspecified amount to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 838, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 838, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

# SCRep. 863 Ways and Means on S.B. No. 875

The purpose and intent of this measure is to appropriate funds for lifeguards at Kua Bay, Kekaha Kai State Park, on the island of Hawaii.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Mayor of the County of Hawaii, two members of the Hawaii County Council, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Kohala Coast Resort Association, Aha Moku Advisory Committee, Hawaii Tourism Authority, and one individual

Your Committee finds that lifeguards are the primary responders for emergencies on shorelines and within nearshore waters, addressing injuries and performing ocean rescue services. Your Committee recognizes that, currently, there is no lifeguard protection for visitors to Kua Bay.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 875, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 875, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 864 Ways and Means on S.B. No. 887

The purpose and intent of this measure is to amend statutory provisions relating to taxes on tobacco products.

Specifically, this measure increases the:

- (1) Tax on each cigarette or little cigar that is sold, used, or possessed by a wholesaler or dealer;
- (2) Amount from the foregoing tax on each cigarette or little cigar that is deposited to the credit of the:
  - (A) Hawaii cancer research special fund; and
  - (B) Community health centers special fund.

Your Committee received written comments in support of this measure from the Hawaii Health Systems Corporation, East Hawaii Region of Hawaii Health Systems Corporation, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, American Cancer Society Cancer Action Network, American Heart Association, Hawaii Public Health Institute, and Blue Zones Project.

Your Committee received written comments in opposition to this measure from Irie Hawaii Stores; Hi Lyfe Vaporz, LLC; Retail Merchants of Hawaii; and twenty-five individuals.

Your Committee received written comments on this measure from the Department of Taxation, Department of Health, and Tax Foundation of Hawaii.

Your Committee finds that tobacco use is linked to cancer, heart disease, stroke, emphysema, asthma, and other diseases, and is still the leading cause of preventable disease and death in the State and in the nation. Your Committee believes that raising the tax on cigarettes and little cigars sold in the State will reduce the sale of these products and ultimately help protect residents from tobacco dependency, illnesses, and premature death. Further, revenues generated by this measure will help provide money for health-related funds.

Your Committee has amended this measure by changing the effective date of the:

- Provisions that increase the tax on cigarettes and little cigars and reallocate cigarette and tobacco tax revenues to July 1, 2051;
- (2) Remaining provisions of the measure to July 1, 2050,

to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 887, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 887, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 865 (Joint) Public Safety, Intergovernmental, and Military Affairs and Ways and Means on S.B. No. 365

The purpose and intent of this measure is to:

- (1) Require the Department of Business, Economic Development, and Tourism to develop annual regional economic plans for each county to identify regional economic priorities and industry clusters and jobs within those priorities and clusters;
- (2) Require the Workforce Development Council to develop, based on the findings of the regional economic plans, K-16 pathways and programs in each public school, including each public charter school, that prepare students to fill the priority jobs identified in the regional economic plans; and
- (3) Require participating schools to communicate opportunities to enroll in K-16 pathways and qualified internship programs to prepare students for jobs identified by regional economic plans as priorities in each geographical area.

Your Committees received testimony in support of this measure from HawaiiKidsCAN, W.A.V.E. (HawaiiKidsCAN), O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committees received comments on this measure from the Department of Education; Department of Business, Economic Development, and Tourism; State Procurement Office; and one individual.

Your Committees find that the State can expand opportunities to better prepare students for college and their careers. The Department of Business, Economic Development, and Tourism should be required to develop annual regional economic plans for each county based on the boundaries of development or community plans in each county. Additionally, the Workforce Development Council, in partnership with the Department of Education and the University of Hawaii, can use this data to provide K-16 pathways and internship programs in each public school and public charter school to match the State's specific industry needs. These pathways, industry certifications, and qualified internship programs will serve as the foundation for developing work-based learning opportunities that reflect high-growth, high-need industries, which are often concentrated in health care, technical roles, business and finance, information technology, and management.

Your Committees have amended this measure by:

Authorizing the payment of bonus incentives to participating public schools for each student who receives an industry
certification, in addition to each student who completes a qualified internship program, and making conforming amendments;

- (2) Exempting, from the Hawaii Public Procurement Code procurements for the placement of students in qualified internship programs, rather than the entire qualified internship program; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 365, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 365, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Wakai).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 866 (Joint) Public Safety, Intergovernmental, and Military Affairs and Ways and Means on S.B. No. 1223

The purpose and intent of this measure is to extend the sunset date by five years to July 1, 2024, to continue to:

- (1) Require each county to issue affordable housing credits to the Department of Hawaiian Home Lands; and
- (2) Require the counties to issue affordable housing credits for each residential unit, or if allowed under the county's affordable housing program, vacant lot, developed by the Department of Hawaiian Home Lands.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received comments on this measure from the City and County of Honolulu Department of Planning and Permitting.

Your Committees find that affordable housing credits have provided the Department of Hawaiian Home Lands greater opportunities to gain resources to develop homesteads and, thus, meet its mission to return native Hawaiians to trust lands. Since Act 141, Session Laws of Hawaii 2009, as amended, was passed by the Legislature, this program has been successful at obtaining more affordable housing units in accord with the Department of Hawaiian Home Lands' mission. This program is scheduled to repeal on July 1, 2019.

Your Committees further find that by extending the sunset date, the Department of Hawaiian Home Lands can continue to utilize this innovative program to provide affordable housing opportunities for its beneficiaries at no cost to the State. For example, this program allowed for a reduction in the price of housing units offered by homebuilders on Hawaiian home lands and is currently under consideration for the purchase of additional land in a location that beneficiaries are interested in but where the Department has no available land in the area.

Your Committees have amended this measure by inserting an effective date of July 1, 2019.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1223, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1223, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 867 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on S.B. No. 1000

The purpose and intent of this measure is to prohibit, on or after January 1, 2020, the issuance of building permits for all new residential multi-family buildings that have ten or more parking stalls and new commercial buildings that have twenty or more parking stalls unless at least twenty percent of the parking stalls are electric vehicle charger ready.

Your Committees received testimony in support of this measure from the Hawaiian Electric Company, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'; Young Democrats of Hawaii; Blue Planet Foundation; Ulupono Initiative; Tesla; Elemental Excelerator; and five individuals. Your Committees received testimony in opposition to this measure from the Retail Merchants of Hawaii, Building Owners and Managers Association of Hawaii, and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that Hawaii is second to California in the number of electric vehicles per capita and electric vehicles are the fastest growing segment of new cars in the State. High population density areas are ideal for electric vehicles because residents typically have shorter driving distances. According to testimony received by your Committees, Hawaiian Electric's *Electrification of Transportation Roadmap* projects that at least fifty-five percent of cars on the road in 2045 will be electric. However, one of the barriers to owning an electric vehicle is the lack of charging infrastructure. More than eighty percent of electric vehicle drivers charge their cars at home or at work. Your Committees further find that installing electric vehicle infrastructure at the time of construction can be ninety-one percent less expensive than post-construction retrofits. This measure allows for the expansion of electric vehicle charging options in new residential and commercial buildings and is a fiscally prudent way for the private sector to "future-proof" new construction projects for the expected increase in electric vehicles.

Your Committees also find that, by using stored energy, electric vehicles can take advantage of intermittent solar, wind, and other clean energy resources. Most vehicles sit idle for over twenty-two hours per day, so they become de facto energy storage devices if their batteries are plugged into the grid when they are not in use. With smart grid infrastructure in place, electric vehicles are an essential component to electricity load and clean energy resource balancing. This measure therefore supports the State in its goal toward one hundred percent clean energy by 2045.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1000, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1000, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Ruderman).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

### SCRep. 868 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on S.B. No. 383

The purpose and intent of this measure is to:

- (1) Require the Board of Education to establish a youth suicide awareness and prevention training program and model risk referral protocol; and
- (2) Require complex areas and charter schools to provide the training program and risk referral protocol to all school personnel who work directly with students in department schools and charter schools, respectively.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Parents and Children Together, Mental Health America of Hawai'i, Hawai'i Psychological Association, Honolulu County Republican Party, and seven individuals. Your Committees received comments on this measure from the Board of Education and County of Hawai'i Office of the Mayor.

Your Committees find that the State has very high rates of suicide, suicide attempts, and suicidal ideation amongst various age groups. Suicide-related behavior has a serious and profound impact on communities that can be reduced with education, awareness, and appropriate mental health treatment. Your Committees note that outside of the home, schools are often the main social institution where children have consistent contact with adults. Therefore, your Committees find that it is important to increase the number of school personnel, such as teachers, principals, janitors, and school counselors, who are trained to identify students at risk of suicide and refer those students to appropriate intervention services.

Your Committees have amended this measure by:

- (1) Requiring the Board of Education to collaborate with the Department of Health and use the Department of Health's existing suicide awareness and prevention curriculum and materials to develop the training program and model risk referral protocol;
- (2) Making the training program and risk referral protocol mandatory for all school personnel who work directly with students;
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 383, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 383, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Ruderman).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

# SCRep. 869 Ways and Means on S.B. No. 971

The purpose and intent of this measure is to appropriate funds for a scholarship program to make awards to students pursuing teaching degrees at state accredited institutions of higher learning who successfully complete one course in computer science.

Your Committee received a written comment in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received a written comment on this measure from the Hawaii State Department of Education.

Your Committee finds that, to compete nationally and globally, Hawaii students need access to comprehensive, grade-appropriate computer science classes. This measures encourages the State's future teachers to complete at least one computer science course.

Your Committee has amended this measure by:

- (1) Changing the appropriation from an unspecified amount to \$100,000 for each fiscal year in the 2019-2021 fiscal biennium;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 971, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 971, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

### SCRep. 870 Ways and Means on S.B. No. 981

The purpose and intent of this measure is to repeal the Hawaii Teacher Standards Board Special Fund established in section 302A-806, Hawaii Revised Statutes, and to specify that all unencumbered balances shall lapse to the general fund on June 30, 2021.

Your Committee received written comments in support of this measure from the Hawaii Teacher Standards Board.

Your Committee received written comments on this measure from the Department of Education and Tax Foundation of Hawaii.

Your Committee finds that the operations and expenses of the Hawaii Teacher Standards Board are more appropriately funded through annual appropriations from the State's general fund.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 981, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 981, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 871 Ways and Means on S.B. No. 990

The purpose and intent of this measure is to require the Department of Business, Economic Development, and Tourism to engage a consulting firm to evaluate the policies and organizational changes needed for the State to execute a technology-based economic development strategy.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Natural Energy Laboratory of Hawaii Authority; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and Hawaii Strategic Development Corporation.

Your Committee finds that the State needs a strong technology-based economic development strategy to remain competitive in the global market.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$70,000 to an unspecified sum; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 990, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 990, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 872 Ways and Means on S.B. No. 1006

The purpose and intent of this measure is to amend the liquor tax law.

Specifically, the measure:

- (1) Applies the liquor tax rate for cooler beverages to certain spirit beverage coolers; and
- (2) Removes the increased tax rate on beer that is not dispensed from containers of seven gallons or more.

Your Committee received written comments in support of this measure from the Kauai Beer Company, Hawaiian Craft Brewers Guild, Honolulu BeerWorks, REAL Gastropub, Lanikai Brewing Company, Maui Brewing Company, Kona Brewing Company, and Big Island Brewhaus.

Your Committee received written comments in opposition to this measure from the Hawaii Partnership to Prevent Underage Drinking, SparksInitiatives, Hawaii Alcohol Policy Alliance, and four individuals.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that cooler beverages that combine wine or beer with other blending ingredients qualify for a lower Hawaii liquor tax rate that reflects the amount of wine or beer in the beverage. However, for a distilled spirit cooler beverage, the tax rate is based on the total volume of the beverage rather than only the amount of distilled spirit in the beverage, which subjects producers of these beverages to the higher tax rate for distilled spirits. Your Committee finds that a lower tax rate should be applied to distilled spirit cooler beverages in the same manner as for wine-based or beer-based cooler beverages.

Your Committee further finds that draft beer is taxed in Hawaii at a lower rate than all other beers. Although many people associate draft beer with any beer poured from a tap, Hawaii law limits the lower tax rate to draft beer dispensed from individual containers of seven gallons or more. Your Committee believes that a single, lower tax rate for all types of beer aligns with the current industry practice of breweries who manufacture beer dispensed from containers of less than seven gallons.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1006, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1006, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

### SCRep. 873 Ways and Means on S.B. No. 1031

The purpose and intent of this measure is to address homelessness among senior citizens.

Specifically, this measure:

- (1) Establishes a long-term rental assistance pilot program to be administered by the Department of Health; and
- (2) Appropriates funds for the pilot program.

Your Committee received written comments in support of this measure from the Catholic Charities Hawaii, Hawaii Kai Homeless Task Force, Oahu County Democrats, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Partners in Care, and four individuals.

Your Committee received written comments in opposition to this measure from the Department of Health.

Your Committee received written comments on this measure from the Governor's Coordinator on Homelessness.

Your Committee finds that the State needs a long-term solution to the State's homelessness crisis. Your Committee further finds that this measure attempts to address homelessness among Hawaii's seniors by establishing a long-term rental assistance pilot program.

Your Committee notes that the proposed pilot program will require appropriations of \$1,500,000 for each of fiscal years 2019-2020 and 2020-2021.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1031, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1031, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

## SCRep. 874 Ways and Means on S.B. No. 1036

The purpose and intent of this measure is to require health insurers and like entities, including the Hawaii Employer-Union Health Benefits Trust Fund, to include clinical victim support services as part of their mental illness, alcohol, and drug dependence benefits.

Your Committee received written comments in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, AAUW of Hawaii, and one individual.

Your Committee received written comments on this measure from the Insurance Division of the Department of Commerce and Consumer Affairs.

Your Committee finds that requiring certain coverage for clinical victim support services will prevent additional trauma to the victims and more costly interventions over the short and long term.

Your Committee has amended this measure by:

- Making a technical correction to the listing of cross-referenced sections in the measure regarding health benefit plans of the Hawaii Employer-Union Health Benefits Trust Fund;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1036, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1036, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 875 Ways and Means on S.B. No. 1213

The purpose and intent of this measure is to require the party initiating a bid challenge involving a contract with an estimated value of \$500,000 or more to pay the Department of Commerce and Consumer Affairs a nonrefundable filing fee to help defray the costs of addressing the bid challenge.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee received written comments on this measure from the State Procurement Office.

Your Committee finds that this measure will help relieve the economic burden on the Department of Commerce and Consumer Affairs for the costs and expenses of conducting bid challenge proceedings.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1213, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1213, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Riviere, Taniguchi).

### SCRep. 876 Ways and Means on S.B. No. 1236

The purpose and intent of this measure is to clarify and update state laws relating to parking for disabled persons.

Specifically, this measure:

- Clarifies that the exemption from parking fees applies only to those disabled persons who drive and are unable to reach or
  operate a parking meter due to a physical disability;
- (2) Updates relevant statutes to reflect current parking technology and terminology;
- (3) Makes the act of selling or buying a disability parking permit a misdemeanor;
- (4) Authorizes a law enforcement officer to confiscate a disability parking permit that is invalid or has been altered; and
- (5) Clarifies the types of disabilities that qualify for a disability parking permit.

Your Committee received written comments in support of this measure from the Disability and Communication Access Board and two individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that this measure will more closely align the parking meter payment exemption for disabled persons with its original intent by allowing only disabled persons who are unable to reach or feed a parking meter because of their disability to park vehicles in metered parking spaces without payment of parking meter fees.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1236, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1236, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 877 Ways and Means on S.B. No. 1246

The purpose and intent of this measure is to promote the adoption of telehealth across the State.

Specifically, this measure:

- (1) Establishes a policy of the State to promote telehealth;
- (2) Establishes the state strategic telehealth advisory council to advise the Governor on a plan to establish telehealth as a means of health care access;
- (3) Establishes the state telehealth coordinator to support the state strategic telehealth advisory council; and
- (4) Requires the Department of Health to establish and convene a telehealth administrative simplification working group to research and make recommendations to reduce administrative barriers to telehealth.

Your Committee received written comments in support of this measure from the Department of Health, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Psychological Association, Hawaii Chapter of American Physical Therapy Association, Hawaii Medical Service Association, Healthcare Association of Hawaii, The Queen's Health Systems, Hawaii Primary Care Association, Early Childhood Action Strategy, and two individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Insurance Division of the Department of Commerce and Consumer Affairs.

Your Committee finds that the current shortage of health care professionals in the State has disproportionately impacted its rural areas. Telehealth can help to provide access to health care, especially highly specialized and technical services, to patients who would not otherwise have access to those medical services.

Your Committee has amended this measure by:

- (1) Clarifying that the state strategic telehealth advisory council shall select a chairperson from among its members;
- (2) Recasting the provisions of section 2 in session law;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1246, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1246, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 878 Ways and Means on S.B. No. 1255

The purpose and intent of this measure is to improve the management and protection of privately managed forests.

Specifically, this measure:

- (1) Clarifies that the forest stewardship program may assist landowners of privately managed forests;
- (2) Clarifies the requirements for participation in the forest stewardship program; and
- (3) Specifies that seventy-five percent of the cost of developing a forest stewardship management plan may be funded by payments from the forest stewardship fund.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Hawaii Agriculture Resource Center.

Your Committee finds that the majority of Hawaii's forested areas are privately owned or managed. This measure will help to ensure that those forests are properly managed by reducing the financial barriers faced by landowners in obtaining technical expertise to develop forest stewardship management plans.

Your Committee has amended this measure by making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1255, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1255, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Taniguchi).

## SCRep. 879 Ways and Means on S.B. No. 1370

The purpose and intent of this measure is to reduce the number of cesspools on Hawaiian home lands.

More specifically, this measure:

- Establishes a grant program and special fund to assist lessees on Hawaiian home lands with cesspool upgrade, conversion, or connection costs;
- (2) Establishes that a recipient of a cesspool upgrade grant shall not be eligible for the cesspool upgrade, conversion, or connection income tax credit; and
- (3) Appropriates moneys for the grant program.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands, Department of Health, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, One World One Water, and two individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that section 342D-72, Hawaii Revised Statutes, requires that every cesspool in the State, other than those exempted by the Director of Health, be either upgraded or converted to a septic system or aerobic treatment unit system or connected to a sewerage system prior to January 1, 2050. This measure is intended to provide financial assistance to lessees on Hawaiian home lands who might not otherwise be able to afford expensive cesspool upgrade, conversion, or connection costs.

Your Committee has amended this measure by:

- (1) Deleting the provisions that establish and appropriate moneys to and from the special fund;
- (2) Making a general fund appropriation to implement the grant program;

- (3) Changing the appropriation to an unspecified amount; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1370, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1370, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 880 Judiciary on S.B. No. 1241

The purpose and intent of this measure is to permit the Department of Business, Economic Development, and Tourism to share energy data with the Department of Health for purposes of regulating greenhouse gas emissions.

Your Committee received testimony in support of this measure from the Department of Health; Department of Business, Economic Development, and Tourism; Young Democrats of Hawaii; and Elemental Excelerator.

Your Committee finds that climate change poses a serious environmental, economic, and public health threat and the State has taken strides to reduce its greenhouse gas emissions. Your Committee also finds that the Department of Health is the primary agency with regulatory oversight of Hawaii's greenhouse gas emissions because it prepares annual greenhouse gas progress reports that contain a statewide greenhouse gas emission inventory, assessment of the State's progress to achieve the 2020 greenhouse gas emissions limit, and estimate of uncertainties.

Existing state law prohibits the Department of Business, Economic Development, and Tourism from sharing energy data in its original form with the Department of Health. Before sharing, this data must be aggregated by the Department of Business, Economic Development, and Tourism to protect proprietary information. Your Committee further finds that greenhouse gas emissions calculations from the aggregated data have a higher degree of uncertainty than calculations using the original data. This measure allows the Department of Business, Economic Development, and Tourism to share original energy data with the Department of Health, which will reduce uncertainty, result in more accurate statewide greenhouse gas emissions inventories, and provide a more reliable basis for future greenhouse gas reduction efforts.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1241, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1241, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 881 Judiciary on S.B. No. 1135

The purpose and intent of this measure is to:

- (1) Provide the Land Use Commission with the power to amend, revise, or modify a decision and order granting a district boundary amendment, or fine a petitioner, when there has been a finding by the Land Use Commission that a petitioner or its successors or assigns have not adhered to a representation made by the petitioner or a condition imposed by the Commission, regardless of whether there has been substantial commencement of use of the land; and
- (2) Define substantial commencement.

Your Committee received testimony in support of this measure from the Office of Planning and Land Use Commission. Your Committee received testimony in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu, Building Industry Association of Hawaii, Land Use Research Foundation of Hawaii, and Chamber of Commerce of Hawaii.

Your Committee finds that the Land Use Commission has insufficient enforcement power to address noncompliance with district boundary amendments. Your Committee also finds that only in limited circumstances, can the Land Use Commission enforce its decisions before there has been substantial commencement of the use of the land. Furthermore, the Land Use Commission can only assess one type of penalty, which is reversion to the former land use classification, and is unable to change or modify conditions that could be more appropriate. This measure gives the Land Use Commission the authority and flexibility to amend, revise, or modify a decision after an evidentiary hearing and a finding of noncompliance regardless of whether there has been substantial commencement of use of the land. Furthermore, the Land Use Commission can remedy noncompliance violations without having to revoke permits and stop a project, which supports the State's economic and social interests of promoting project completion.

Your Committee has amended this measure by making it effective on January 1, 2020.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1135, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1135, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 882 (Majority) Judiciary on S.B. No. 674

The purpose and intent of this measure is to prohibit any person licensed to provide professional counseling from engaging and advertising sexual orientation or gender identity change efforts.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawai'i, Aloha State Association of the Deaf, Hawai'i Psychological Association, Mental Health America of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, and eight individuals.

Your Committee finds that the original intent of Act 13, Session Laws of Hawaii 2018 (Act 13), was to protect the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, against exposure to serious harms caused by sexual orientation change efforts. However, Act 13 unintentionally left out individuals who have experienced attempts at gender identity change efforts. This measure will broaden the applicability of Act 13 by clarifying that the ban on efforts to change the sexual orientation of youth equally applies to efforts to change the gender identify of youth.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 674, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 674, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, 1 (Gabbard). Excused, 1 (Fevella).

### SCRep. 883 Judiciary on S.B. No. 1261

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaiian Humane Society, The Humane Society of the United States, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulation across state lines. If an individual loses their hunting privileges in a member state, that individual could not obtain a hunting license in another member state. Currently, Hawaii is not a member of the Interstate Wildlife Violator Compact. This measure would authorize the Department of Land and Natural Resources to join the Interstate Wildlife Violator Compact or similar agreement, which will enhance Hawaii's ability to protect and manage wildlife resources for the benefit of all residents and visitors.

Your Committee has amended this measure by:

- (1) Changing the effective date to make it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1261, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1261, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 884 (Joint) Judiciary and Ways and Means on S.B. No. 522

The purpose and intent of this measure is to:

- (1) Prohibit the purchase, use, sale, or distribution of plastic beverage bottles, utensils, stirring sticks, polystyrene foam containers, and straws by state and county agencies after July 1, 2021, and by businesses selling food and beverages after July 1, 2022;
- (2) Ban the distribution or sale of plastic bags after July 1, 2023; and
- (3) Create the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council, Animal Rights Hawai'i, Organizing for Action, Friends of Hanauma Bay, Sustainable Coastlines Hawai'i, Hawai'i Reef and Ocean Coalition, No Single Use Hawaii, Zero Waste O'ahu, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Kahili Adventist School, Surfrider Foundation, Wipeout Crew, Sierra Club of Hawai'i, and eighty-one individuals. Your Committees received testimony in opposition to this measure from Pho Tri Restaurant; Cooke Street Diner; LoCo MoCo Drive Inn—Ewa Beach; Island Plastic Bags Inc.; Hawaii Restaurant Association; Hawaii Food Industry Association; Papa's Cafe; Nabeya Maido; Shiro's Saimin Haven; American Beverage Association; American Chemistry Council; Hibachi; Queen Street Cafe & Grill; HNA FOOD SERVICES LLC; Jets Fast Food; Tatsuos; Stadium Pho; Retail Merchants of Hawaii; Pancakes & Waffles BLD Hawaii; Hale Inu Sports Bar; Chamber of Commerce Hawaii; KYD, Inc. dba: K. Yamada Distributors; and six individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of Health.

Your Committees find that the local impact of the world's increasing waste stream is unsustainable and detrimental to the future of Hawaii's economy and people. There has been an exponential rise in single-use disposable food ware and packaging, including plastic

bottles, caps, lids, straws, cups, and polystyrene and plastic containers, which are major contributors to street and beach litter, ocean pollution, wildlife harm, and greenhouse gas emissions.

Your Committees further find that cleaning up plastic is a significant cost to Hawaii taxpayers. The cost of cleanups by government agencies, businesses, and the general public is rising to account for expensive best management practices and mitigation, as well as the tremendous increase in plastic litter. The Department of Transportation produced a trash management plan that shows that polystyrene foam and plastic bags are the top two contributors to the local waste stream and must be regularly removed from storm drains at a cost to the Department and taxpayers.

Your Committees also find that prohibiting the purchase, use, sale, or distribution of plastic beverage bottles, utensils, stirring sticks, polystyrene foam containers, and straws by state and county agencies, and gradually extending this ban to other entities, is in the environmental, financial, and public welfare interests of the State.

Your Committees have amended this measure by inserting an effective date of March 15, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 522, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 522, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Taniguchi, Fevella). Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

#### SCRep. 885 (Joint) Judiciary and Ways and Means on S.B. No. 921

The purpose and intent of this measure is to establish a division within the Department of the Attorney General to provide legal advice regarding Hawaiian shoreline public access rights and make an appropriation.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that government agencies are obligated to properly apply law relating to Hawaiian shoreline public access rights on matters relevant to the agency's executive and administrative decision-making authority. Your Committees further find that in order to properly apply such law, government agencies must have an understanding of the scope of public access shoreline rights. This measure will provide the Department of the Attorney General with the necessary resources relating to native Hawaiian traditional and cultural rights to ensure proper application of laws relating to Hawaiian shoreline public access rights.

Your Committees have amended this measure by:

- (1) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 921, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 921, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Harimoto, Moriwaki). Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 886 Housing on S.B. No. 1187

The purpose and intent of this measure is to require eligible affordable housing projects developed pursuant to section 201H-38, Hawaii Revised Statutes, and within a community development district to consult with the Hawaii Community Development Authority.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and Hawaii Housing Finance and Development Corporation.

Your Committee finds that there is no formal entitlement process for affordable housing projects that are developed pursuant to section 201H-38, Hawaii Revised Statutes, and are therefore exempt from certain state and county laws, and located within a community development district. Your Committee further finds that the construction, renovation, and improvement of county or state agency projects within a community development district are subject to formal consultation with the Hawaii Community Development Authority to ensure the transparency of these projects. This measure will expedite the delivery of, and clarify the entitlement process for, eligible affordable housing units being developed within a community development district.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1187 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 887 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 1406

The purpose and intent of this measure is to:

- (1) Clarify the scope and practice of physician assistants in the State;
- (2) Amend the composition of the Hawaii Medical Board to include two physician assistants; and
- (3) Expand the grounds for revocation or suspension of a physician or surgeon's license.

Your Committees received testimony in support of this measure from Hawai'i Pacific Health, American Academy of PAs, Society of Physician Assistants in Rheumatology, Minit Medical, and twenty-three individuals. Your Committees received testimony in opposition to this measure from the Hawaii Medical Association. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Hawaii Medical Board, and Kaiser Permanente Hawaii.

Your Committees find that Hawaii is facing a critical physician shortage, especially in rural areas, which is expected to worsen with the increased demand for health care from an aging population. The latest physician workforce survey by the University of Hawaii shows that nearly eight hundred doctors are needed across all specialties in the State. Physician assistants are skilled health care providers trained to take medical histories, perform physical examinations, order and interpret laboratory tests, diagnose illnesses, develop and manage treatment plans, prescribe medications, and assist in surgery. Further, since the federal Affordable Care Act was passed in 2010, physician assistants have been one of the three health care professionals (along with physicians and nurse practitioners) who are authorized to provide primary care. Existing state law, however, requires physicians to review one hundred percent of physician assistants' charts, one of the most restrictive standards in the country, which creates a significant administrative burden on physicians.

Your Committees further find that a number of stakeholders, including the Hawaii Academy of Physician Assistants, Hawaii Medical Board, and Kaiser Permanente, have collaborated to suggest certain amendments and provisions that modernize the scope of practice for physician assistants. The consensus language is narrower in scope than this measure, but still provides physician assistants greater latitude to meet the urgent need for reform.

Accordingly, your Committees have amended this measure by deleting its contents and adopting consensus language agreed upon by stakeholders that:

- (1) Clarifies that the existing supervisory requirements for licensure as a physician assistant, including the degree of supervision required, also include supervision by a group of physicians;
- (2) Specifies requirements for the supervisory review of physician assistant medical records, including a percentage of supervision based on duration of licensure;
- (3) Establishes biennial requirements of forty credit hours of continuing medical education for physician assistant license renewal;
- (4) Authorizes the Hawaii Medical Board to conduct random audits to enforce compliance; and
- (5) Specifies conditions for forfeiture and reinstatement of a physician assistant license.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1406, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1406, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman). Judiciary: Ayes, 5. Noes, none. Excused, none.

# SCRep. 888 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 1525

The purpose and intent of this measure is to make permanent the licensure requirements for home care agencies licensed by the Department of Health.

Your Committees received testimony in support of this measure from the Department of Health and one individual.

Your Committees find that home care agencies provide an important service to independent but elderly or disabled persons by providing home-based non-health care services that enable those persons to remain in their homes. Existing licensure requirements for home care agencies include background checks on home care operators and workers and require caregivers to receive instructions and oversight from the home care agency supervisor. Your Committees note that the current statutory requirement for licensure for home care agencies is set to be repealed on June 30, 2019. Your Committees further find that in order to safeguard the health, safety, and welfare of home care clientele, the Department of Health's current licensure requirements for home care agencies should be retained and made permanent.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1525, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1525, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman). Judiciary: Ayes, 5. Noes, none. Excused, none.

### SCRep. 889 (Joint/Majority) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 415

The purpose and intent of this measure is to authorize advanced practice registered nurses to perform aspiration abortions.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, American Association of University Women of Hawaii, Hawai'i Section of the American College of Obstetricians and Gynecologists, Planned Parenthood Votes Northwest and Hawaii, Save Medicaid Hawaii, Healthy Mothers Healthy Babies, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawaii, ACLU Hawai'i, over twenty individuals, and a form letter signed by ninety-eight individuals. Your Committees received testimony in opposition to this measure from the Honolulu County Republican Party, Hawaii Family Forum, One Love Ministries, and over eighty individuals. Your Committees received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committees find that Hawaii is experiencing a critical physician shortage, especially in rural areas. Existing law prohibits anyone other than a physician or surgeon or an osteopathic physician and surgeon from providing aspiration abortions, a common procedure for surgically terminating an abortion in the first trimester. For those in rural or underserved communities, traveling to another island or county due to existing restrictions creates excessive barriers that may mean they are not able to access legal abortion at all.

According to testimony received by your Committees, a 2018 review by the National Academies of Sciences, Engineering, and Medicine examined and compared the outcomes of abortions provided by physicians with those provided by nurse practitioners and other advanced practice clinicians. This review concluded that advanced practice registered nurses are just as capable of providing safe and effective abortion care as physicians and surgeons when the advanced practice registered nurses have received proper training.

Your Committees additionally note that many women routinely receive well-women care from advanced practice registered nurses who are considered primary care providers in Hawaii and are qualified to safely perform the procedures contemplated by this measure. Abortion is already permitted in the State, and this measure significantly improves access to comprehensive reproductive health care.

Your Committees have amended this measure by:

- (1) Specifying in the nurse practice act that advanced practice registered nurses with prescriptive authority, and who meet other specific qualifications, may perform abortions by medication or aspiration;
- (2) Clarifying that advanced practice registered nurses shall only perform abortions by medication or aspiration;
- (3) Specifying that no abortion shall be performed in the State unless the abortion is performed by specific licensed health care providers acting within the licensed health care providers' lawful scopes of practice;
- (4) Removing excessive criminal penalties;
- (5) Specifying that individual health care providers, but not hospitals, are permitted to opt out of providing abortions, as permitting entire hospitals to opt out creates a significant barrier to women seeking abortions;
- (6) Preserving an individual's ability for refusal to participate in an abortion or be liable for such refusal, as long as the person provides prior written notice and the refusal does not cause a serious risk to another person's health or life; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 415, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 415, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, 1 (Fevella). Excused, 2 (Nishihara, Ruderman).

Judiciary: Ayes, 3. Noes, 2 (Gabbard, Fevella). Excused, none.

## SCRep. 890 Commerce, Consumer Protection, and Health on S.B. No. 1210

The purpose and intent of this measure is to update and improve existing provisions of the State's insurance laws under title 24, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Board of Nursing, Board of Pharmacy, University of Hawai'i System, Hawaii Medical Service Association, Hawaii Captive Insurance Council, and seven individuals. Your Committee received comments on this measure from the American Council of Life Insurers, American Family Life Assurance Company of Columbus, and one individual.

Your Committee finds that this measure is intended to update and improve various areas of the State's insurance laws. Furthermore, this measure is, in part, necessary for the State's continued accreditation with the National Association of Insurance Commissioners. This measure modernizes provisions, removes antiquated systems, and benefits insurers and consumers by removing redundancy, time, and cost barriers.

Your Committee has amended this measure by:

- Clarifying that the corporate governance annual disclosure shall be prepared consistent with rules adopted by the Insurance Commissioner, rather than the National Association of Insurance Commissioners' Corporate Governance Annual Disclosure Model Regulation;
- (2) Clarifying that the short-term health insurance preexisting disclosure requirement does not apply to accident-only health insurance:

- (3) Clarifying that a health care provider who performs a service is eligible for reimbursement to the extent that the health care provider is eligible for reimbursement under a policy, contract, plan, or agreement, and is acting within the scope of the provider's license or certification under state law;
- (4) Inserting an effective date of October 1, 2019; relating to proposed name changes and use of a trade name or assumed name; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1210, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1210, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Nishihara).

#### SCRep. 891 (Joint) Water and Land and Ways and Means on S.B. No. 1251

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources (Board) to extend commercial, industrial, or resort leases that have not been transferred or assigned within the last twenty years, for lessees who commit to making substantial improvements to the existing improvements.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hilo Fish Company, Kanoelehua Industrial Area Association, and five individuals. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, Kailapa Community Association, Laulima Pahoa, Na Ao Koa, Ka Ohana O Na Pua, Ohana Hoʻopakele, and over two hundred fifty individuals. Your Committees received comments on this measure from one individual.

Your Committees find that many of the leases for commercial, industrial, and resort properties on public land statewide may be nearing the end of their lease terms. Faced with the uncertainty of continued tenancy, lessees have little incentive to make major investments in infrastructural improvements and therefore the infrastructure on these properties has been deteriorating. Your Committees further find that Act 149, Session Laws of Hawaii 2018 (Act 149), established a ten year pilot program that, among other things, authorizes the Board to extend or modify the terms of certain public land leases within the Hilo Community Economic District upon approval by the Board of a lessee's development agreement to make substantial improvements to or construct new improvements on the land as long as the length of any extension granted does not extend the original lease term by more than forty years. Your Committees find that the provisions of Act 149 are a proper model by which to allow extensions of industrial and commercial leases approaching their expiration date.

Accordingly, your Committees have amended this measure by:

- (1) Limiting the provisions to industrial and commercial leases that are subject to the management, administration, or control of the Board and will expire within an unspecified number of years of receipt of an application for a lease extension;
- (2) Deleting references to resort leases;
- (3) Amending the Board's authority regarding extension of leases;
- (4) Specifying that the length of any extension granted, in the aggregate, shall not extend the original lease term by more than forty years;
- (5) Inserting language to require an extension of the rental period or lease term to be based on the economic life of the substantial improvements as determined by the Board or an independent appraiser and subject to other specified requirements;
- (6) Deleting language that would have prohibited assignments and transfers of leases during the extension period;
- (7) Inserting language that establishes causes of economic hardship for which the Board may modify or eliminate any of the existing statutory restrictions, extend or modify the rental period, or extend the term of industrial and commercial public land leases, and amends the conditions for the Board's approval of any such modification, elimination, or extension;
- (8) Specifying that substantial improvements are certain improvements, the cost of which equals or exceeds thirty percent, rather than fifty percent, of the market value of the existing improvements;
- (9) Inserting an effective date of December 31, 2050, to encourage further discussion;
- (10) Inserting a blank repeal date; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1251, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1251, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.
Water and Land: Ayes, 3; Ayes with Reservations (Riviere). Noes, none. Excused, 2 (Nishihara, Fevella).
Ways and Means: Ayes, 12; Ayes with Reservations (Riviere). Noes, none. Excused, 1 (Fevella).

# SCRep. 892 (Joint) Water and Land and Ways and Means on S.B. No. 1258

The purpose and intent of this measure is to:

- (1) Allow the Board of Land and Natural Resources (Board) to lease any existing state boating facility in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation if the Board finds that the lessee has considered the risk of sea level rise on the area to be leased and the effect of sea level rise will be minimal during the term of the lease;
- (2) Clarify that legislative authorization is not required to award a lease, except that the Board may request authorization from the Legislature in extraordinary circumstances, by concurrent resolution, where the Board has not made findings regarding sea level rise factors; and
- (3) Repeal fast lands and submerged lands lease requirements specific to the Ala Wai Boat Harbor.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committees received testimony in opposition to this measure from the Ocean Tourism Coalition and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that community input and involvement are critical to effective and sustainable development within the State. While sea level rise is a critical factor to consider in long-term planning, your Committees believe it is just as critical to foster effective relationships between developers and the community.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have required the Board of Land and Natural Resources to consider sea level rise factors prior to approving the lease of any existing state boating facility and making a conforming amendment;
- (2) Inserting language to require the Board of Land and Natural Resources, prior to approving the lease of any existing state boating facility, to find that the lessee has:
  - (A) Given public notice of any proposed development plans;
  - (B) Engaged with the community to be affected in regard to the development plans;
  - (C) Considered community concerns; and
  - (D) Developed a plan to address adverse impacts; and
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1258, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1258, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Ways and Means: Ayes, 12; Ayes with Reservations (English). Noes, none. Excused, 1 (Fevella).

# SCRep. 893 (Joint) Water and Land and Ways and Means on S.B. No. 1259

The purpose and intent of this measure is to require vessel owners operating a vessel in or on state ocean waters that is required to be registered with the State or required to be documented by the United States Coast Guard to obtain marine insurance coverage.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Ocean Tourism Coalition. Your Committees received testimony in opposition to this measure from three individuals.

Your Committees find that, in addition to environmental damage from grounded vessels, uninsured vessels that run aground, are derelict, or are abandoned in waters of the State cause the State to sometimes incur all costs involved in removing the vessel. The Division of Boating and Ocean Recreation has required insurance for vessels moored in state small boat harbors as a condition of obtaining a mooring permit since 2009 but has no existing mechanism for addressing insurance concerns for the numerous other vessels located in the State but not stored on state facilities. This measure establishes marine insurance requirements to address these vessels.

Your Committees have amended this measure by:

- Applying the mandatory marine insurance requirement only to vessels originally manufactured at a length of twenty-six feet or more, or under twenty-six feet if the vessel is grounded in the State;
- (2) Setting the mandatory vessel insurance minimum at \$100,000;
- (3) Allowing a vessel owner to obtain an alternative insurance acceptable to the Department of Land and Natural Resources;
- (4) Amending the Board of Land and Natural Resources' authority to grant exemptions from the marine insurance coverage requirement for certain transient vessels under certain circumstances;
- (5) Inserting a definition for "grounded vessel";
- (6) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1259, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1259, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Ways and Means: Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 894 Ways and Means on S.B. No. 76

The purpose and intent of this measure is to establish a non-refundable income tax credit for the purchase of a personal emergency response system.

Your Committee received testimony in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that this measure establishes an income tax credit to assist Hawaii residents in the purchase of a personal emergency response system, which is an alarm system designed to permit the user to signal the occurrence of a medical or personal emergency to alert a provider.

Your Committee has amended this measure by:

- (1) Clarifying that a taxpayer's federal adjusted gross income shall be used to determine eligibility for the tax credit;
- (2) Clarifying income requirements for eligibility to claim the tax credit, based on taxpayers' filing status;
- (3) Requiring the Department of Health to certify tax credit amounts;
- (4) Making the tax credit applicable to taxable years beginning after December 31, 2019;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 76, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 76, S.D. 2, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Taniguchi).

### SCRep. 895 (Majority) Ways and Means on S.B. No. 77

The purpose and intent of this measure is to make an appropriation of funds to the Department of Budget and Finance for the Ala Wai flood risk management project.

Your Committee received testimony in support of this measure from the Office of the Governor, Department of Budget and Finance, City and County of Honolulu Department of Design and Construction, and two individuals,

Your Committee received testimony in opposition to this measure from Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5; Halau Ku Mana New Century Public Charter School; The Outdoor Circle; www.stopalawaiproject.com; Hui Makaainana a Kalawahine; Mana Maoli, LLC; and numerous individuals.

You Committee received comments on this measure from one individual.

Your Committee recommends that if the Council on Revenues' March 2019 forecast of revenues is lower than the January 2019 forecast of revenues, provisions should be added to this measure amending section 237D-6.5, Hawaii Revised Statutes, to reduce the City and County of Honolulu's share of the transient accommodations tax revenues and reallocate those moneys to satisfy the federal requirement that thirty-five percent of Ala Wai flood risk management project costs be funded by a local entity.

Your Committee finds that during the hearing, representatives from the State, City and County of Honolulu, and United States Army Corps of Engineers committed to work together to develop and execute a communication plan to engage the community in the project design and to provide continuing status updates to the public. The parties also committed to consider the preservation of schools and other public institutions that have cultural or historical significance and to address the concerns of private property owners to minimize the adverse impacts of the project.

Your Committee encourages the parties to work together with community groups to identify opportunities to investigate and implement appropriate traditional land management practices for ecosystem preservation and restoration projects in the Ala Wai watershed.

Your Committee has amended this measure by:

- Authorizing the State to use a financing agreement and issue certificates of participation as an alternative to expending general revenues to satisfy the federal requirement that thirty-five percent of Ala Wai flood risk management project costs be funded by a local entity;
- (2) Requiring that any financing agreement entered into:
  - (A) Shall be subject to chapter 37D, Hawaii Revised Statutes;

- (B) Shall not require the State to expend funds in excess of the amounts appropriated by the Legislature;
- (C) Shall not obligate the Legislature to appropriate or make moneys available for any payments;
- (D) Shall not require the obligation to make any payments to be secured by the full faith and credit of the State; and
- (E) Shall not constitute bonds, count towards the total amount of outstanding state general obligation bonds, or require the issuance by the State of future general obligation bonds authorized under the Hawaii State Constitution; and
- (3) Amending the appropriation section by adding a proviso that prohibits the Department of Budget and Finance from expending any moneys appropriated in the measure if the Ala Wai flood risk management project is funded by a financing agreement.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 77, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 77, S.D. 2, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 8; Ayes with Reservations (Moriwaki, Shimabukuro, Fevella). Noes, 1 (Taniguchi). Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

# SCRep. 896 Ways and Means on S.B. No. 126

The purpose and intent of this measure is to appropriate funds for the operating and capital improvement budgets of the Executive Branch for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Office of the Governor; Department of Land and Natural Resources: Department of Business, Economic Development, and Tourism: Department of Commerce and Consumer Affairs: Department of Human Resources Development; Department of Human Services; Department of the Attorney General; Department of Labor and Industrial Relations; Department of Hawaiian Home Lands; Department of Agriculture; Department of Taxation; Department of Defense; Department of Accounting and General Services; Department of Budget and Finance; Department of Public Safety; Department of Education; Department of Transportation; Department of Health; University of Hawaii; Office of Enterprise Technology Services; Hawaii Public Housing Authority; Hawaii Green Infrastructure Authority; Land Use Commission; Office of Elections; Campaign Spending Commission; Hawaii State Public Library System; Hawaii Housing Finance and Development Corporation; Hawaii Community Development Authority; Executive Office on Early Learning; Hawaii Strategic Development Corporation; Pacific International Space Center for Exploration; Hawaii State Commission on the Status of Women; Public Utilities Commission; Office of Information Practices; Hawaii Technology Development Corporation; Hawaii Tourism Authority; State Public Charter School Commission; Pacific International Space Center for Exploration Systems (PISCES); Special Education Advisory Council; Alexander and Baldwin; Maui Health System; Ben Dyre Family Limited Partnership; The Nature Conservancy; The Kauai Watershed Alliance; Kahuku Medical Center; Mauna Kahalawai Watershed Partnership; Hawaii Association of Watershed Partnerships; Catholic Charities Hawaii; Shark Wheel, Inc.; Partners in Care; Kamehameha Schools; Coordinating Group on Alien Pest Species; RedWorks Construction Technologies Inc; and eight individuals.

Your Committee received testimony in opposition to this measure from four individuals.

Your Committee received comments on this measure from Hawaii Health Systems Corporation, State Procurement Office, and Hawaii Primary Care Association.

Your Committee finds that replacing the contents of this measure with provisions for an unspecified appropriation will provide a vehicle to fulfill requests made through Governor's Messages to the Legislature during the remainder of the 2019 Regular Session for any additional funding not currently under consideration in another measure.

Your Committee has amended this measure by deleting its contents and inserting provisions for an unspecified appropriation of general funds to be expended by the Office of the Governor.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 126, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 126, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 897 Ways and Means on S.B. No. 859

The purpose and intent of this measure is to appropriate funds for the capital improvement project costs of the State for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Enterprise Technology Services, Executive Office on Early Learning, Hawaii Housing Finance and Development Corporation, Kamehameha Schools, East Diamond Head Association, and three individuals.

Your Committee received comments on this measure from the Department of Accounting and General Services, Department of Hawaiian Home Lands, Department of Land and Natural Resources, Department of Defense, Hawaii Public Housing Authority, Hawaii Educational Policy Center, and Hawaii Health Systems Corporation.

Your Committee finds that this measure provides an opportunity to invest in the State's infrastructure while remaining fiscally

The Administration's proposed capital improvement program budget totaled:

	FY 2020	FY 2021
General Obligation Bonds	\$978,181,000	\$731,543,000
All Means of Financing	\$2,020,809,000	\$1,483,192,000

Your Committee has amended this measure by inserting provisions that amend the Administration's capital improvement program budget to provide the following in capital improvement funds to focus on critical and significant capital projects:

	FY 2020	FY 2021
General Obligation Bonds	\$920,237,000	\$538,468,000
All Means of Financing	\$1,862,814,000	\$1,241,716,000

Your Committee has also amended the effective date of the measure to January 7, 2059, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 859, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 859, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 898 Ways and Means on S.B. No. 972

The purpose and intent of this measure is to establish an income tax credit to incentivize construction of a new drydock at Pearl Harbor for use by the United States Navy.

Your Committee received testimony in support of this measure from Pacific Marine and Supply, Co.; Ship Repair Association of Hawaii; and two individuals.

Your Committee received testimony in opposition to this measure from A & B Electric Co., Inc.; and one individual.

Your Committee received comments on this measure from the Department of Taxation; Tax Foundation of Hawaii; and one individual.

Your Committee finds that, due to a lack of sufficient drydock capacity at Pearl Harbor, many surface ships are scheduled to be relocated to San Diego for deep maintenance, with some of these ships at risk of not returning. Your Committee also finds that the impact of losing surface vessel repair work would be far-reaching and would directly cause the loss of jobs associated with military surface ships. Your Committee further finds that the construction of a purpose-built floating drydock capable of accommodating any of the submarines and surface ships currently docked or planned to be docked at Pearl Harbor would mitigate losses that stem from a lack of capacity.

Your Committee has amended this measure by:

- (1) Establishing the ship repair industry tax credit in a new section of the Hawaii Revised Statutes;
- (2) Removing an incorrect reference to section 1012 of the Internal Revenue Code;
- (3) Specifying that the tax credit may be claimed only after the floating drydock is placed into service;
- (4) Clarifying the maximum amount that a qualified entity may claim for the tax credit;
- (5) Repealing section 235-17.5, Hawaii Revised Statutes;
- (6) Applying the tax credit to taxable years beginning after December 31, 2019;
- (7) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (8) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 972, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 972, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

## SCRep. 899 Ways and Means on S.B. No. 1167

The purpose and intent of this measure is to promote and support the State's agriculture industry by authorizing agricultural enterprises on lands under the authority of the Department of Agriculture.

More specifically, this measure:

- (1) Authorizes the Department of Agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove facilities on any lands within its jurisdiction, and permit its lessee to do the same;
- (2) Authorizes the department, upon mutual agreement and approval by the Board of Agriculture, to accept the transfer of and manage certain agricultural enterprise lands and agricultural enterprises from the Department of Land and Natural Resources;
- (3) Establishes the Agricultural Enterprise Program within the Department of Agriculture to manage agricultural enterprise lands and agricultural enterprises transferred to the Department of Agriculture;

- (4) Establishes the agricultural enterprise special fund; and
- (5) Appropriates moneys into and out of the agricultural enterprise special fund:
  - (A) For the planning, design, construction, operation, management, maintenance, repair, demolition, and removal of infrastructure on certain lands under the Department of Agriculture's jurisdiction; and
  - (B) To establish three full-time equivalent (3.0 FTE) positions within the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture, the Department of Taxation, Hawaii County Council, Hawaii Farm Bureau, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Pacific Agricultural Land Management Systems.

Your Committee received comments on this measure from the Agribusiness Development Corporation.

Your Committee finds that authorizing the use of lands under the authority of the Department of Agriculture for agricultural enterprises will encourage the implementation of optimized methods of agricultural production.

Your Committee has amended this measure by:

- Requiring the Department of Agriculture to provide prior notice to the Agribusiness Development Corporation of any actions taken in relation to agricultural enterprises;
- Authorizing the Agribusiness Development Corporation to disallow any actions that the Department of Agriculture intends to take in relation to agricultural enterprises;
- (3) Removing provisions establishing or appropriating moneys for Agricultural Resource Management Division positions;
- (4) Changing the appropriations to unspecified amounts; and
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1167, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1167, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Riviere). Noes, none. Excused, 2 (Harimoto, Inouye).

#### SCRep. 900 Ways and Means on S.B. No. 1314

The purpose and intent of this measure is to amend the provisions of the high technology research income tax credit and extend its operation.

Specifically, this measure:

- Amends the tax credit for research activities so that references to the base amount in section 41 of the Internal Revenue Code shall not apply, and credit for all qualified research expenses may be taken without regard to the amount of expenses for previous years; and
- (2) Extends the tax credit for research activities through 2024.

Your Committee received testimony in support of this measure from Gabriel Health, Inc.; Hawaii Aerospace Corporation; Makai Ocean Engineering, Inc.; Nalu Scientific, LLC; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Oceanit; Smart Yields; Tapiki; and eight individuals.

Your Committee received comments on this measure from the Department of Taxation, Hawaii Technology Development Corporation, and Tax Foundation of Hawaii.

Your Committee finds that this measure is intended to support the growth of Hawaii's technology industry.

Your Committee has amended this measure by:

- (1) Applying the measure to taxable years beginning after December 31, 2019;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1314, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1314, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 901 Ways and Means on S.B. No. 1516

The purpose and intent of this measure is to reduce taxpayer penalties for nonpayments and underpayments.

More specifically, this measure:

(1) Sets lower penalty amounts and interest rates for earlier, rather than later, payments; and

(2) Allows a taxpayer to post a bond to avoid penalties and interest.

Your Committee received testimony in opposition to this measure from the Department of Taxation.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that, under current tax law, Hawaii imposes many different penalties on different types of infractions. These penalties are also cumulative, so that a taxpayer who fails to file a required return is often subject to much higher penalties under state law than they would be under federal law.

Your Committee has amended this measure by:

- (1) Deleting the provisions setting lower penalty amounts and interest rates for earlier rather than later payments;
- (2) Establishing reduced taxpayer penalties for nonpayments and underpayments that are due to reasonable cause, and not due to negligence, intentional disregard of administrative rules, or fraud;
- (3) Increasing the penalty for underpayment due to fraud;
- (4) Adjusting the penalty amounts for failure to file a tax return;
- (5) Providing that a bond posted by a taxpayer to avoid penalties and interest shall be refundable and may be posted confidentially by an agent of the taxpayer;
- (6) Assessing interest on a deficiency in state income taxes paid by a taxpayer that is caused by a change in the taxable income reported on the taxpayer's federal tax return; and
- (7) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1516, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1516, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 902 Human Services on S.C.R. No. 6

The purpose and intent of this measure is to urge the Department of Human Services to adjust the under the Child Care Connection Hawaii program to a maximum of ten percent of family income spending on child care and create a three-level sliding scale for copayments based on the amount of the families' income.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that many families in Hawaii are forced to choose between a paycheck and child care. Your Committee further finds that the Department of Human Services allows for child care cost reimbursement under the Child Care Connection Hawaii program. However, Hawaii has among the highest average costs of child care and the current child care copayment ratio in Hawaii is the worst in the nation, at up to nineteen percent of the family income spending on child care. Your Committee finds that increasing the eligibility criteria for receiving child care subsidies would allow parents to secure stable employment and improve their families' financial wellbeing.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 6 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Ihara).

# SCRep. 903 Human Services on S.R. No. 6

The purpose and intent of this measure is to urge the Department of Human Services to adjust the copayment under the Child Care Connection Hawaii program to a maximum of ten percent of family income spending on child care and create a three-level sliding scale for copayments based on the amount of the families' income.

Your Committee received testimony in support of this measure from the Hawaii Children's Action Network and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that many families in Hawaii are forced to choose between a paycheck and child care. Your Committee further finds that the Department of Human Services allows for child care cost reimbursement under the Child Care Connection Hawaii program. However, Hawaii has among the highest average costs of child care and the current child care copayment ratio in Hawaii is the worst in the nation, at up to nineteen percent of the family income spending on child care. Your Committee finds that increasing the eligibility criteria for receiving child care subsidies would allow parents to secure stable employment and improve their families' financial wellbeing.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 6 and recommends that it be referred to your Committee on Ways and Manne

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Ihara).

## SCRep. 904 (Joint) Human Services and Judiciary on S.C.R. No. 8

The purpose and intent of this measure is to urge the Hawaii State Department of the Attorney General to conduct a statewide investigation of sexual abuse of minors in the State of Hawaii by clergy of the Roman Catholic Church.

Your Committees received testimony in support of this measure from The Sex Abuse Treatment Center, Hawaii Women's Coalition, LGBT Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committees received testimony in opposition to this measure from the Roman Catholic Church in the State of Hawaii Diocese of Honolulu.

Your Committees find that court cases and reports across the United States, including in Hawaii, indicate that the Roman Catholic Church engaged in a decades-long pattern of moving clergy who sexually abused children within and between jurisdictions and of hiding, withholding, or otherwise failing to disclose documentation and other evidence of child sexual abuse. A recent Pennsylvania grand jury report detailed the abuse of more than one thousand children by approximately three hundred priests over decades. Sixteen Attorneys General across the United States are investigating sexual abuse by Roman Catholic clergy based on the findings of the Pennsylvania grand jury report. A 2018 report by Jeff Anderson and Associates PA and the Law Office of Mark Gallagher identified at least fifty-eight Catholic clergy members who allegedly committed child sexual abuse in Hawaii.

Your Committees further find that child sexual abuse has severe and devastating physical, emotional, social, and financial consequences for victims, their families, and their communities, which can last throughout a victim's lifetime. As such, your Committees find that the Department of the Attorney General should conduct a statewide investigation of sexual abuse of minors in the State by clergy of the Roman Catholic Church to flush out the offenders and protect Hawaii's children.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 8 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none. Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

#### SCRep. 905 (Joint) Human Services and Judiciary on S.R. No. 4

The purpose and intent of this measure is to urge the Hawaii State Department of the Attorney General to conduct a statewide investigation of sexual abuse of minors in the State of Hawaii by clergy of the Roman Catholic Church.

Your Committees received testimony in support of this measure from The Sex Abuse Treatment Center, Hawaii Women's Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from the Roman Catholic Church in the State of Hawaii Diocese of Honolulu.

Your Committees find that court cases and reports across the United States, including in Hawaii, indicate that the Roman Catholic Church engaged in a decades-long pattern of moving clergy who sexually abused children within and between jurisdictions and of hiding, withholding, or otherwise failing to disclose documentation and other evidence of child sexual abuse. A recent Pennsylvania grand jury report detailed the abuse of more than one thousand children by approximately three hundred priests over decades. Sixteen Attorneys General across the United States are investigating sexual abuse by Roman Catholic clergy based on the findings of the Pennsylvania grand jury report. A 2018 report by Jeff Anderson and Associates PA and the Law Office of Mark Gallagher identified at least fifty-eight Catholic clergy members who allegedly committed child sexual abuse in Hawaii.

Your Committees further find that child sexual abuse has severe and devastating physical, emotional, social, and financial consequences for victims, their families, and their communities, which can last throughout a victim's lifetime. As such, your Committees find that the Department of the Attorney General should conduct a statewide investigation of sexual abuse of minors in the State by clergy of the Roman Catholic Church to flush out the offenders and protect Hawaii's children.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 4 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 5. Noes, none. Excused, none. Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

### SCRep. 906 Ways and Means on S.B. No. 191

The purpose and intent of this measure is to require the Department of Budget and Finance to report annually on the disposition of receipts from lands within the public land trust.

This measure also establishes a full-time equivalent position of public land trust reporting and accountability officer within the Department of Budget and Finance to ensure compliance with the reporting and accounting of the disposition of public land trust receipts.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Ke One O Kakuhihewa, Prince Kuhio Hawaiian Civic Club, Association of Hawaiian Civic Clubs, and four individuals.

Your Committee received written comments in opposition to this measure from the University of Hawaii and Center for Hawaiian Sovereignty Studies.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure would help mitigate incomplete and inaccurate reporting by state agencies of public land trust receipts, which hinders efforts to determine the actual amount of receipts generated by lands within the public land trust and thus the mandated pro rata share of receipts for the betterment of conditions of Native Hawaiians.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 191, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 907 Commerce, Consumer Protection, and Health on S.B. No. 148

The purpose and intent of this measure is to specify the allowable fire protection systems certifications that an individual may obtain.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Maui Fire Department, Hawaii Fire Department, and Building Industry Association of Hawaii.

Your Committee finds that the State Fire Council is authorized to establish statewide qualifications for testing, certifying, and credentialing those individuals who perform maintenance and testing of portable fire extinguishers, fire protection systems, and fire alarm systems. Your Committee further finds that fire safety systems require routine maintenance to ensure reliable operability when used by fire fighters and protect building occupants and fire fighters during emergency situations. This measure specifies additional distinct fire protection system licenses that individuals are required to obtain for performing maintenance and testing of fire safety systems, which will more closely align the state fire code with nationally recognized standards.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 148 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 908 Commerce, Consumer Protection, and Health on S.B. No. 152

The purpose and intent of this measure is to clarify labeling dimensions for display fireworks, articles pyrotechnic, and aerial devices.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Maui Fire Department, Hawaii Fire Department, and one individual.

Your Committee finds that existing fireworks labeling requirements for display fireworks, articles pyrotechnic, and aerial devices need clarification. Your Committee further finds that this measure therefore amends the labeling dimensions requirement for conformity with industry standards.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 152 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 909 Commerce, Consumer Protection, and Health on S.B. No. 272

The purpose and intent of this measure is to amend the definition of "solar energy device" to include building-applied photovoltaics and building-integrated photovoltaics and exclude passive solar skylights or windows, thereby specifically allowing installation of these devices on condominium common elements.

Your Committee received testimony in support of this measure from a councilmember from the Hawai'i County Council, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, 350 Hawaii, Board of Directors of the Honolulu Tower Association of Apartment Owners, and two individuals.

Your Committee finds that the renewable energy field is ever-changing due to its technological nature. Accordingly, statutory law must be updated to reflect advances in technology related to renewable energy. Your Committee also finds that under existing law, it is unclear whether certain building-integrated photovoltaics, such as electricity-producing photovoltaic windows, fall under the definition of "solar energy device", and whether condominium boards are therefore restricted from installing these devices. This measure amends the definition of "solar energy device" to include building-applied photovoltaics and building-integrated photovoltaics, which will encourage the use of renewable energy and further the renewable energy initiative in Hawaii.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 272 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 910 Commerce, Consumer Protection, and Health on S.B. No. 1486

The purpose and intent of this measure is to allow the Department of Public Safety Narcotics Enforcement Division Administrator to disclose, at the Administrator's discretion, confidential information from the electronic prescription accountability system, more commonly known as the Prescription Drug Monitoring Program or PDMP, to authorized employees of the Department of Health Alcohol and Drug Abuse Division and the Emergency Medical Services and Injury Prevention Systems Branch.

Your Committee received testimony in support of this measure from the Department of Health, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Drug Policy Forum of Hawaii.

Your Committee finds that the PDMP is a unique resource that shows opioid prescribing and pharmacy dispensing practices and patterns in Hawaii. Increased access to the PDMP will inform the Department of Health's strategic plan for preventing opioid addiction and overdose.

Your Committee further finds that the Hawaii Opioid Initiative brought together a wide range of legislators, state and county officials, law enforcement and first responders, health care professionals, and other citizens to work together to develop and implement a plan to reduce prescription opioid abuse and deaths from overdose. This measure is the culmination of the cooperative efforts of the Narcotics Enforcement Division and Department of Health and is intended to fulfill one of the objectives of the Hawaii Opioid Action Plan developed by the Hawaii Opioid Initiative.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1486, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 911 Judiciary on S.B. No. 928

The purpose and intent of this measure is to propose 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.

Your Committee did not receive any testimony on this measure.

Your Committee finds that the Board of Regents of the University of Hawaii are responsible for effectively leading the University of Hawaii System. Your Committee further finds that having the most effective members possible on the Board is most important and thus find it is appropriate to consider making significant changes to the appointment process for membership. This measure provides voters the opportunity to consider whether the Candidate Advisory Council should no longer be constitutionally mandated and whether the Governor should be the appointing authority as provided by law.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 928 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 912 Judiciary on S.B. No. 141

The purpose and intent of this measure is to:

- Specify that disclosure of communications by an agency to the Ombudsman does not waive any existing attorney-client or attorney work-product privilege; and
- (2) Prohibit the Ombudsman from disclosing privileged communications to others.

Your Committee did not receive any testimony on this measure.

Your Committee finds that agencies are reluctant to fully disclose information to the Ombudsman during an investigation because agencies are afraid that communicating with the Ombudsman will result in a waiver of their attorney-client and attorney work-product privileges. To alleviate this concern, this measure specifically states that communicating with the Ombudsman does not waive any attorney-client or attorney work-product privilege and that the Ombudsman shall not disclose privileged communication to any other person, which thereby encourages communication and improves investigative accuracy.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 141 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 913 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on S.B. No. 821

The purpose and intent of this measure is to require:

- All places of public accommodation constructed or substantially modified after June 30, 2019, to provide baby diaperchanging accommodations that are equally accessible to men and women; and
- (2) All existing places of public accommodation that have not been substantially modified to provide baby diaper-changing accommodations that are equally accessible to men and women by July 1, 2022.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Midwives Alliance of Hawaii, Hawaii Women's Coalition, and five individuals. Your Committees received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committees find that American fathers are much more involved in child care today than they were fifty years ago and attitudes among men toward gender and family norms are increasingly egalitarian. Despite this, diaper-changing accommodations are relatively common in women's restrooms but are still often omitted from men's restrooms. Your Committees further find that caregivers of both genders need adequate, safe, and sanitary facilities to change diapers. Public accommodations need to meet the requirements of equality under the law for men and women and should reflect the reality of changing gender roles and enable men to embrace caregiving.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 821, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6; Ayes with Reservations (Keohokalole). Noes, none. Excused, 1 (Ruderman).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 914 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on S.B. No. 754

The purpose and intent of this measure is to enact produce safety rules in accordance with the federal Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.

Your Committees received testimony in support of this measure from the Department of Agriculture.

Your Committees find that the federal Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption establishes produce safety rules to allow for inspection and regulation of farms producing food for consumers. These produce safety rules include inspecting food on farms, which are also known as on-farm audits.

Your Committees further find that the Department of Agriculture has been engaging in discussions with the Department of Health to transfer the on-farm audit responsibilities to the Department of Agriculture. According to testimony from the Department of Agriculture, the Department of Health has no objections to the Department of Agriculture conducting the audits. The Department of Agriculture is currently waiting for the United States Food and Drug Administration to offer an agreement or contract and the funding to conduct the audits.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 754, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Ruderman).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 915 (Joint) Judiciary and Ways and Means on S.B. No. 477

The purpose and intent of this measure is to:

- (1) Allow the Department of Education to provide sexual abuse and sex trafficking prevention training to certain staff; and
- (2) Require the Department of Education to make available to certain staff explanatory information about protocols that the Department has approved for providing services to victims of sexual abuse and sex trafficking.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii Youth Services Network, Hawaii State Teachers Association, IMUAlliance, UNITE, Parents and Children Together, The Sex Abuse Treatment Center, Hawai'i Psychological Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and seven individuals. Your Committees received comments on this measure from the Department of Education.

Your Committees find that sexual violence is a serious and ongoing threat to the safety, health, and well-being of children and young people in Hawaii. Recognizing and identifying indicators, such as social isolation, removal from the home, and cultivation of dependency, are key in providing greater protection for children who are being exploited or who may be at risk for future sexual exploitation. Because of the amount of time students spend at school, sexual abuse and sex trafficking prevention training for educators and other school staff can facilitate interventions with students who may be at risk of sex trafficking or exploitation or experiencing sexual abuse. This measure will assist teachers and educational officers with resources to better protect Hawaii's children and young people from sexual abuse and sex trafficking throughout the State.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 477, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 916 Judiciary on S.B. No. 807

The purpose and intent of this measure is to:

- (1) Specify that a health care provider shall not be required to consult the electronic prescription accountability system when a patient is in an inpatient setting, in post-operative care, or has a terminal disease and is receiving hospice or other palliative care; and
- (2) Clarify that an informed consent agreement is not required for patients whose prescription will be directly administered under the supervision of a health care provider.

Your Committee received testimony in support of this measure from the Department of Health; Hawaii Health Systems Corporation; The Queen's Health Systems; Healthcare Association of Hawaii; Ohana Pacific Management Company, Inc.; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Medical Association; and Kaiser Permanente Hawaii. Your Committee received comments on this measure from the Hawaii Association for Justice and Drug Policy Forum of Hawaii.

Your Committee finds that this measure aligns with the prescriber education and pain management practice objectives of the Hawaii Opioid Action Plan of January 2019. Your Committee further finds that the proposed exemptions in this measure promote balance and faster relief for patients who are hospitalized or in hospice. Your Committee also finds that these proposed exemptions are not expected to impact the prescription drug monitoring program, which collects data on prescriptions dispensed in outpatient settings, such as doctor's offices and local pharmacies.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 807, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 917 Judiciary on S.B. No. 1237

The purpose and intent of this measure is to require health insurance providers that provide Medicare Advantage (Medicare Part C) health benefit plans to submit administrative data, including health care service claims and payment data, to the State Health Planning and Development Agency, or its designee.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund, Executive Office on Aging, Office of Enterprise Technology Services, State Health Planning and Development Agency, University of Hawai'i System, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that the all-payer claims database is a tool to address rising health care costs in the State. However, under existing law, the all-payer claims database does not have access to Medicare Advantage, or Medicare Part C, plans in Hawaii. This creates a significant gap in its dataset as Medicare Advantage participants comprise approximately 45 percent of the Medicare population in the State. Your Committee further finds that without this information, it will be difficult to determine the impact that Medicare Advantage has on the health and utilization patterns of its members in comparison to traditional Medicare plans. This measure updates existing law to cover any gaps in necessary datasets, thereby improving transparency in the health care sector and providing better insight on drivers of health insurance premiums in the State.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1237, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 918 Judiciary on S.B. No. 1344

The purpose and intent of this measure is to prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that existing law allows for the imposition of restrictions on an individual's ability to obtain or renew a driver's license or motor vehicle registration as a penalty for various unpaid monetary obligations that are civil and not criminal in nature. Your Committee further finds that a Washington Post investigation revealed that Hawaii has a high percentage – nine percent – of adults who have had their licenses suspended for unpaid debt. Your Committee additionally finds that the inability to obtain or renew a driver's license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately from escaping debt.

Your Committee also finds that recently adopted guidelines by the American Bar Association on preventing fines and fees that penalize poverty recommend against driver's license suspension and the imposition of fines that result in substantial and undue hardship. Additionally, at least four states do not allow driver's licenses to be suspended or restricted for unpaid court debt. This measure will prohibit the imposition of restrictions on a person's ability to obtain a driver's license and conduct other types of business due to unpaid civil monetary obligations in Hawaii.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1344, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 919 (Joint) Judiciary and Ways and Means on S.B. No. 728

The purpose and intent of this measure is to:

- (1) Increase the maximum amount of public funds available to each candidate running for the Board of Trustees of the Office of Hawaiian Affairs; and
- (2) Increase the amount each Board of Trustee candidate must raise in order to qualify for public funds.

Your Committees received testimony in support of this measure from the Council for Native Hawaiian Advancement, Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that candidates for the Board of Trustees of the Office of Hawaiian Affairs are elected statewide by qualified voters in the State. Despite at-large Board of Trustee candidates having to run a statewide campaign, similar to other statewide offices, Board of Trustee candidates only receive partial public funding at a lower rate than other statewide offices. This measure will provide more equality in the allocation of public funding to candidates running statewide campaigns and encourage more individuals to enter as a candidate for the Board of Trustees of the Office of Hawaiian Affairs.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 728, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 920 (Joint) Judiciary and Ways and Means on S.B. No. 1051

The purpose and intent of this measure is to require the Department of Human Services to establish a task force to determine specific implementation requirements necessary to establish a pilot program to provide shelter and mental health treatment for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders who are subject to court-ordered guardianship.

Your Committees received testimony in support of this measure from the Department of Health, Department of Human Services, Catholic Charities Hawai'i, Partners in Care, Honolulu County Republican Party, Hawaii Kai Homeless Task Force, The Salvation Army, and three individuals. Your Committees received comments on this measure from Mental Health America of Hawai'i.

Your Committees find that homelessness is one of the State's most significant and challenging social concerns. Many of the individuals experiencing homelessness are severely mentally ill and suffer from psychosis, hallucinations, and other serious mental illnesses. Because of their physical and mental health challenges, these individuals often burden the health care system through frequent use of emergency services. This measure establishes a task force to examine best practices necessary to establish a pilot program to provide assistance and stability to homeless individuals with severe mental illness as they receive treatment while living in a safe and supportive setting.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1051, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

# SCRep. 921 (Joint) Judiciary and Ways and Means on S.B. No. 1143

The purpose and intent of this measure is to:

- Expand the types of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives; and
- (2) Require that information regarding new hire employees under the collective bargaining disclosure requirements of section 89-16.6, Hawaii Revised Statutes, be provided to the appropriate exclusive representatives within one payroll period.

Your Committees received testimony in support of this measure from the University of Hawaii Professional Assembly and Hawaii Government Employees Association. Your Committee received comments on this measure from the Department of Education.

Your Committees find that exclusive representatives represent each and every employee in a bargaining unit and as such, need to have pertinent employment information within a certain period of time to be able to best serve their members. However, under existing law, the information to be provided to exclusive representatives is limited and often times, may not be provided in a timely manner. This measure will ensure that exclusive representatives have the necessary information to contact employees to provide them with information regarding available protections and benefits.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1143, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

### SCRep. 922 Human Services on Gov. Msg. No. 547

Recommending that the Senate advise and consent to the nomination of the following:

# STATE REHABILITATION COUNCIL

G.M. No. 547 DUSTIN PARK, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Dustin Park for service on the State Rehabilitation Council.

Your Committee received testimony in support of the nomination for the appointment of Dustin Park from the Department of Human Services.

Your Committee finds that Mr. Park is a student at Honolulu Community College and is presently an intern with Leadership in Disabilities and Achievement of Hawaii. Mr. Park has been dedicated to learning the skills needed to become an independent, self-sufficient worker. Mr. Park brings to the State Rehabilitation Council his personal experience as an individual with a disability. He can also contribute personal insight as a current Division of Vocational Rehabilitation consumer to the Council, which will enable him to provide additional assistance to the disability community.

Your Committee therefore finds that Mr. Park's personal background and experience, and commitment to making a difference in the lives of other individuals with disabilities will make him a valuable asset to the State Rehabilitation Council.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Ihara).

#### SCRep. 923 (Joint) Human Services and Judiciary on S.C.R. No. 9

The purpose and intent of this measure is to request the Department of Human Services to examine the implementation of Act 217, Session Laws of Hawaii 2018 (Act 217), regarding the misrepresentation of service animals.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received comments on this measure from the Department of Human Services and Hawai'i Civil Rights Commission.

Your Committees find that fraudulent misrepresentation of pets and untrained animals as service animals is harmful to persons who legitimately rely on service animals. Act 217 established a civil penalty for knowingly misrepresenting an animal as a service animal. Your Committees further find that there are questions about the practical enforcement of that civil penalty. As such, your Committees find that the Department of Human Services, in consultation with the Hawai'i Civil Rights Commission and the Disability and Communication Access Board, should examine the implementation of the prohibition so that places of accommodations and the public may understand how Act 217 applies to them.

Your Committees note that according to the testimony from the Department of Human Services, a public outreach campaign may be the best way to educate places of accommodations as well as the public as to the important work that legitimate service animals do and why it is important for service animals to assist their owners.

Accordingly, your Committees have amended this measure by requesting the Department of Human Services to develop a public outreach campaign.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 9, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 9, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 5. Noes, none. Excused, none.

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

## SCRep. 924 (Joint) Human Services and Judiciary on S.R. No. 8

The purpose and intent of this measure is to request the Department of Human Services to examine the implementation of Act 217, Session Laws of Hawaii 2018 (Act 217), regarding the misrepresentation of service animals.

Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Human Services and Hawai'i Civil Rights Commission.

Your Committees find that fraudulent misrepresentation of pets and untrained animals as service animals is harmful to persons who legitimately rely on service animals. Act 217 established a civil penalty for knowingly misrepresenting an animal as a service animal. Your Committees further find that there are questions about the practical enforcement of that civil penalty. As such, your Committees find that the Department of Human Services, in consultation with the Hawai'i Civil Rights Commission and the Disability and Communication Access Board, should examine the implementation of the prohibition so that places of accommodations and the public may understand how Act 217 applies to them.

Your Committees note that according to the testimony from the Department of Human Services, a public outreach campaign may be the best way to educate places of accommodations as well as the public as to the important work that legitimate service animals do and why it is important for service animals to assist their owners.

Accordingly, your Committees have amended this measure by requesting the Department of Human Services to develop a public outreach campaign.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 8, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 8, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 5. Noes, none. Excused, none.

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

## SCRep. 925 Ways and Means on S.B. No. 1148

The purpose and intent of this measure is to appropriate funds for the Department of Agriculture's agricultural loan program to assist local farmers and ranchers who have experienced losses due to natural disasters.

Your Committee received written comments in support of this measure from the Hawaii Department of Agriculture, the University of Hawaii, the Department of Research and Development of the County of Hawaii, the Maui Chamber of Commerce, the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, the Land Use Research Foundation of Hawaii, the Volcano Isle Fruit Company, the Hawaii Farm Bureau, the Local Food Coalition, Hoomanapono Political Action Committee, Birds With Arms Farms, Maui Farmers Union United, Beyond Organic Consulting, Hawaii Cattlemen's Council, and six individuals.

Your Committee finds that the State's support of agriculture following natural disasters will contribute significantly to the overall resiliency and continued growth of this industry.

Your Committee notes that an appropriation of \$5,000,000 for fiscal year 2019-2020 is necessary to achieve the intent of this measure

Your Committee has amended this measure by:

- (1) Changing the appropriation amounts to unspecified sums;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1148, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1148, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

## SCRep. 926 Ways and Means on S.B. No. 1150

The purpose and intent of this measure is to appropriate funds to allow the Department of Agriculture to develop an effective control plan for reducing the State's population of feral pigs.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Maui Chamber of Commerce, Land Use Research Foundation of Hawaii, Agribusiness Development Corporation, Hawaii Farm Bureau, Hawaii Crop Improvement Association, Hawaii Cattlemen's Council, and three individuals.

Your Committee finds that feral pigs can have a devastating impact on farmers statewide, causing crop loss, damaging irrigation systems, and creating niche spaces for other non-native species. The allotted funds will allow the Department of Agriculture to work with the community to develop effective measures to control feral pig populations and mitigate their impact.

Your Committee notes that an appropriation of \$1,000,000 for each year of the fiscal biennium is necessary to achieve the intent of this measure.

Your Committee has amended this measure by:

- (1) Changing the amounts appropriated to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style;

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1150, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1150, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

## SCRep. 927 Ways and Means on S.B. No. 1158

The purpose and intent of this measure is to establish an annual general excise tax holiday on the sale of school supplies in the State prior to the start of an upcoming school year.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education and Department of Taxation.

Your Committee finds that the cost of school supplies for families, especially when multiplied for more than one child, can be very expensive. Your Committee believes that this measure would provide relief to parents and teachers as they buy school supplies needed to be ready for the school year.

Your Committee has amended this measure by:

- (1) Specifying that the tax holiday shall occur on the weekend of the last Friday in July;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1158, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1158, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (Kahele, Riviere).

## SCRep. 928 Ways and Means on S.B. No. 1254

The purpose and intent of this measure is to expand the sources of revenue that can be deposited into the Endangered Species Trust Fund.

Specifically, this measure repeals the provision of law that states that only revenue derived from fees and assessments charged for commercial use of public lands and waters and designated for deposit into the endangered species trust fund are to be deposited into the trust fund. By repealing the limitation, the amendment allows revenues from fees and assessments for noncommercial uses of the same public lands and waters to be paid to the benefit of the trust fund.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that this measure will provide access to additional revenue for endangered species protection and multiple opportunities for the Department of Land and Natural Resources to utilize innovative funding mechanisms.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical nonsubstantive amendment for the purpose of style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1254, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1254, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 929 Ways and Means on S.B. No. 1287

The purpose and intent of this measure is to include the Lei of Green in the Hawaii State Planning Act by codifying related objectives, policies, and implementation guidelines for certain greenspaces in chapter 226, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Oahu Island Parks Conservancy, Trees for Honolulu's Future, Hawaii Advocates for Consumer Rights, The Outdoor Circle, and one individual.

Your Committee received written comments on this measure from the Office of Planning.

Your Committee finds that this measure will bring the State closer to realizing an enduring vision of Honolulu's urban shoreline lined with parks, greenways, open spaces, and recreation areas, in furtherance of the goals of the Hawaii State Plan.

Your Committee notes that the Office of Planning has requested an appropriation of \$250,000 for fiscal biennium 2019-2021 to fund costs associated with researching, compiling, and submitting the status report on the Lei of Green policy required by this measure, including the hiring of one full-time equivalent (1.0 FTE) temporary planner position within the Office of Planning.

Your Committee has amended this measure by:

- Appropriating an unspecified amount for costs associated with researching, compiling, and submitting the status report on the Lei of Green policy required by this measure, including one temporary full-time equivalent (1.0 FTE) planner position within the Office of Planning; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1287, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1287, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

#### SCRep. 930 Ways and Means on S.B. No. 1307

The purpose and intent of this measure is to appropriate funds for the Department of Education to study the feasibility of combining the resources and organization of the Department of Accounting and General Services with the Department of Education on the islands of Kauai, Maui, Molokai, Lanai, and Hawaii.

Your Committee received written comments in support of this measure from the Department of Education and one individual.

Your Committee finds that currently, the Department of Accounting and General Services is tasked with facilities maintenance and support services for neighbor island schools. This measure seeks to determine the feasibility of the Department of Education assuming responsibility for the maintenance and support of these schools.

Your Committee has amended this measure by changing the appropriation from an unspecified amount to \$100,000.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1307, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1307, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 931 Ways and Means on S.B. No. 1333

The purpose and intent of this measure is to increase efficiency and accountability in state procurement.

Specifically, this measure:

- Requires that past performance be considered in sole source procurements and procurement by competitive sealed bids or competitive sealed proposals that meet or exceed the small purchase threshold;
- (2) Requires that contracting officers consider past performance when making a determination of offeror responsibility;
- (3) Requires procurement officers to conduct written past performance evaluations at least annually and at the time the work under a contract or order is completed, and maintain the evaluations in the department's procurement files and in a statewide past performance database;
- (4) Establishes an initial procurement working group; and
- (5) Appropriates funds to develop and create a statewide past performance database and outsource two full-time equivalent positions.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services, State Procurement Office, and Subcontractors Association of Hawaii.

Your Committee finds that the past performance database created by this measure will reward contractors who have historically performed well by allowing them to cite their prior work when bidding on future contracts with the State.

Your Committee has amended this measure by:

- (1) Clarifying that the initial procurement working group shall identify issues relating to existing procurement methods;
- (2) Requiring the initial procurement working group to recommend specific objective criteria to be used when evaluating the past performance of bidders in a competitive sealed bid procurement;
- (3) Clarifying that the state procurement administrator shall serve as chair of the initial procurement working group;
- (4) Providing that the Director of Transportation or the Director's designee shall serve on the initial procurement working group;
- (5) Providing that the initial procurement working group shall submit a report of its findings and recommendations to the Legislature no later than November 1, 2020;
- (6) Changing the effective date to July 1, 2050, and providing that provisions requiring the consideration of past performance in certain procurements shall be effective January 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1333, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1333, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 932 Ways and Means on S.B. No. 1385

The purpose and intent of this measure is to facilitate the efficient administration of the Kaneohe Bay Regional Council.

Specifically, this measure requires:

- (1) The Department of Land and Natural Resources to provide administrative support to the Kaneohe Bay Regional Council;
- (2) The members of the Kaneohe Bay Regional Council to select a chairperson on an annual and rotating basis; and

(3) The Council to conduct quarterly meetings.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Aha Moku Advisory Committee, Koolau Foundation, Koolaupoko Hawaiian Civic Club, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources.

Your Committee finds that the Kaneohe Bay Regional Council continues to serve the Kaneohe Bay community by protecting the health and well-being of the community and the bay. Accordingly, your Committee believes that providing administrative support to the Council will allow the Council to more efficiently serve the Kaneohe Bay community.

Your Committee has amended this measure by:

- (1) Conditioning the Department of Land and Natural Resources' responsibility to provide administrative support to the Kaneohe Bay Regional Council on the Department having adequate funding and staff;
- (2) Including an appropriation to the Department of Land and Natural Resources for a 0.5 FTE staff position; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1385, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1385, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 933 Ways and Means on S.B. No. 1395

The purpose and intent of this measure is to appropriate funds for the state rent supplement program.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Public Housing Authority, Hawaii Kai Homeless Task Force, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee finds that providing a rent subsidy to working individuals, senior or disabled individuals, and families who are homeless will increase housing stability for these vulnerable populations, which, in turn, will result in positive outcomes such as sustained employment, educational success, and improved health.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount to \$2,500,000 for fiscal year 2019-2020 and \$2,500,000 for fiscal year 2020-2021; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1395, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1395, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 934 Ways and Means on S.B. No. 1418

The purpose and intent of this measure is to appropriate funds for four full-time equivalent positions for the University of Hawaii Pamantasan Council, including instructional faculty, student personnel, and graduate assistantships.

Your Committee received written comments in support of this measure from the University of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Filipina Advocacy Network, Filipinos for Affirmative Action, and one individual.

Your Committee finds that students of Filipino ancestry are underrepresented at certain campuses within the University of Hawaii System, including the University of Hawaii at Manoa, where they comprise only ten per cent of undergraduate students and four per cent of graduate students. Your Committee recognizes that the Pamantasan Council was established, in part, to address issues of representation and to ensure the success of Filipino students.

Your Committee has amended this measure by changing the appropriation from an unspecified amount to \$390,000 for each fiscal year in the 2019-2021 fiscal biennium.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1418, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1418, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 935 Ways and Means on S.B. No. 1501

The purpose and intent of this measure is to appropriate moneys to the Department of Hawaiian Home Lands for various capital improvement projects and other operating expenses.

More specifically, this measure:

- (1) Appropriates moneys into and out of a cesspool compliance grant program special fund;
- (2) Authorizes the Director of Finance to issue general obligation bonds for capital improvement projects; and
- (3) Appropriates moneys to the Department of Hawaiian Home Lands for building homes, infrastructure, capital improvement projects, operating and administrative costs, fringe, and other needs and priorities.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands, Association of Hawaiian Civic Clubs, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Prince Kuhio Hawaiian Civic Club, and one individual.

Your Committee notes that this measure, as introduced, authorized the Director of Finance to issue general obligation bonds in the sum of \$214,918,100 for fiscal year 2019-2020 and \$224,169,100 for fiscal year 2020-2021 for capital improvement projects, including lot development, loans, and rehabilitation projects.

Your Committee has amended this measure by:

- (1) Replacing its contents with a general fund appropriation of \$243,984 for each year of fiscal biennium 2019-2021 to the Department of Hawaiian Home Lands for the implementation of the cesspool compliance grant program; and
- (2) Inserting an effective date of July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1501, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1501, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 936 Ways and Means on S.B. No. 1522

The purpose and intent of this measure is to appropriate funds to the Department of Education for the Hawaii Keiki: Healthy and Ready to Learn Program.

Your Committee received written comments in support of this measure from the Department of Education, Hawaii State Teachers Association, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals.

Your Committee received written comments on this measure from the Hawaii Primary Care Association.

Your Committee finds that the Hawaii Keiki Healthy and Ready to Learn Program improves access to and increases the quality of the health services available to the State's public school students.

It is the intent of your Committee that the program established pursuant to this measure not be in any way construed to preclude or limit the receipt of federal funds to establish school-based clinics pursuant to grants or any other financial arrangements with federally qualified health centers or rural health clinics.

Your Committee recommends that the Department of Education partner with the Public Health Nursing Branch of the Department of Health to ensure that services are not duplicative of those performed by school-based clinics or other service providers.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1522, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1522, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 937 Ways and Means on S.B. No. 813

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Health.

Your Committee received written comments in support of this measure from the Department of Health and Executive Office on Aging

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Health from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Amending the amounts appropriated or authorized and maximum number of positions authorized for various programs within or attached to the Department of Health;
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;

- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 813, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 813, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 938 Ways and Means on S.B. No. 815

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Health.

Your Committee received written comments in support of this measure from the Hawaii Health Systems Corporation.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Health from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Amending the amount of additional subsidy appropriated to the Hawaii Health Systems Corporation;
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Removing provisions relating to the authorization of positions, as no positions are being authorized by this measure;
- (4) Adding a severability clause;
- (5) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive amendments for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 815, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 815, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 939 Ways and Means on S.B. No. 907

The purpose and intent of this measure is to make the process of applying to the University of Hawaii more affordable for prospective students who qualify for resident tuition.

Specifically, this measure requires the University of Hawaii to establish a two-year pilot project to offer a free admission day on which application fees for admission to any University of Hawaii System campus are waived for qualifying applicants.

Your Committee finds that many potential college students are discouraged from applying to post-secondary education institutions because of the costs of paying application fees. Your Committee finds that by offering these potential students a date on which the application fee will be waived, more students will be encouraged to pursue higher education.

Your Committee has amended this measure by:

- Clarifying that the two-year pilot project will apply to students seeking admission for the 2020-2021 and 2021-2022 academic
  years;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 907, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 907, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 940 Ways and Means on S.B. No. 909

The purpose and intent of this measure is to appropriate funds to the University of Hawaii at Hilo for aeronautical sciences program positions and program operating costs.

Your Committee received written comments in support of this measure from the Office of Aerospace Development of the Department of Business, Economic Development, and Tourism; University of Hawaii; Japanese Chamber of Commerce and Industry of Hawaii; David S. De Luz, Sr. Enterprises, Inc.; and five individuals.

Your Committee finds that this measure will enable the University of Hawaii at Hilo to continue to develop its Bachelor of Science in aeronautical sciences program, thus increasing opportunities for students in Hawaii to pursue careers in aeronautics and bolstering the State's commitment to developing economic opportunities and partnerships within this industry.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 909, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 909, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 941 Ways and Means on S.B. No. 919

The purpose and intent of this measure is to revise the composition and duties of the University of Hawaii Board of Regents.

Specifically, this measure makes the following amendments regarding the Board of Regents:

- (1) Reduces the number of board members;
- (2) Adjusts their composition;
- (3) Shortens term lengths;
- (4) Clarifies powers of control over the university administration; and
- (5) Preserves board members' authority to engage in discussion with the Legislature.

Your Committee received no written comments on this measure.

Your Committee finds that this measure will enable the Board of Regents to better fulfill its constitutional mandate to formulate policy and exercise control over the university.

Your Committee has amended this measure by making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 919, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 919, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (English).

## SCRep. 942 Ways and Means on S.B. No. 938

The purpose and intent of this measure is to appropriate moneys for four full-time equivalent positions for services and programs for Native Hawaiian Student Services at the University of Hawaii at Manoa.

Your Committee received written comments in support of this measure from the University of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee finds that this measure will allow the University of Hawaii at Manoa to continue to provide Native Hawaiian students a diverse array of programs and services related to higher education, economic opportunities, health, and general well-being.

Your Committee notes that the University of Hawaii requests \$1,002,000 to fund Native Hawaiian Student Services.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 938, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 938, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 943 Ways and Means on S.B. No. 966

The purpose and intent of this measure is to require the Board of Land and Natural Resources to enter into negotiations to purchase a parcel of land within the Mililani Technology Park and to appropriate funds for that negotiation and the purchase of that parcel.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that a second parcel of undeveloped land with Tax Map Key (1) 9-5-046:041 is adjacent to many other lots of the Mililani Technology Park, including the parcel addressed by this measure, and may also be available for purchase. However, your Committee recognizes the concern that because the second parcel may not lay within the official boundaries of the Mililani Technology Park, the purchase of that second parcel may exceed the scope of this measure's title in violation of Article III, section 14, of the Hawaii State Constitution.

Your Committee has amended this measure by:

- Deleting the general fund appropriation for the Board of Land and Natural resources to engage in negotiations to purchase and conduct due diligence of the property;
- (2) Changing the purchasing entity to the Hawaii Technology Development Corporation;
- (3) Adding provisions that the negotiations and purchase include the parcel with Tax Map Key (1) 9-5-046:041; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 966, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 966, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 944 Ways and Means on S.B. No. 970

The purpose and intent of this measure is to appropriate funds to the Department of Education to establish a program with eligible entities to develop and implement teacher professional development for computer science courses and content.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Hawaii State Department of Education.

Your Committee recognizes the importance of increasing equity and access to computer science programs for students statewide. Your Committee finds that, to achieve this, teachers must be offered high quality computer science professional development.

Your Committee has amended this measure by:

- (1) Changing the appropriation from an unspecified amount to \$50,000 for each fiscal year of fiscal biennium 2019-2021;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 970, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 970, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 945 Ways and Means on S.B. No. 978

The purpose and intent of this measure is to transfer unclaimed funds totaling \$10 or less in the unclaimed property trust fund to the libraries special fund upon expiration of the ten-year time limitation to claim the funds.

This measure also increases the threshold for which funds escheat to the State from less than \$100 to less than \$250.

Your Committee received written comments in support of this measure from the Hawaii State Public Library System and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that transferring additional funds to the libraries special fund will help to support the more than fifty-one branch libraries statewide. Your Committee further finds that reducing from ten years to five years the period by which funds must be claimed will help to improve administration of the unclaimed property trust fund.

Your Committee has amended this measure by:

- (1) Reducing from ten years to five years the time period by which newly deposited funds in the unclaimed property trust fund must be claimed, while retaining the existing ten-year claim period applicable to funds totaling less than \$100 that are currently deposited in the fund;
- (2) Specifying that the five-year limitation applicable to funds totaling more than \$99.99 and less than \$250 that are currently deposited in the fund shall commence on July 1, 2019; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 978, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 978, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Riviere).

### SCRep. 946 Ways and Means on S.B. No. 995

The purpose and intent of this measure is to promote technology research and development in the State.

More specifically, this measure:

- (1) Requires the Hawaii Technology Development Corporation to adopt rules requiring a technology research and development grant recipient to reimburse the State for the grant if, within five years, it relocates its principal place of business out of State;
- (2) Appropriates moneys into and out of the research and development special fund for the Corporation's research and development program.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation; Hawaii Farm Bureau; Oceanit Laboratories, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Makai Ocean Engineering, Inc.; and one individual.

Your Committee finds that encouraging grant recipients to maintain principal places of business in the State will ensure that the State benefits from awarding these grants.

Your Committee has amended this measure by:

- (1) Changing the appropriations from \$1,000,000 to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 995, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 995, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 947 Ways and Means on S.B. No. 1002

The purpose and intent of this measure is to extend the authorization to issue special purpose revenue bonds for the benefit of Honolulu Seawater Air Conditioning, LLC until June 30, 2024.

Your Committee received written comments in support of this measure from Ulupono Initiative, the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Honolulu Seawater Air Conditioning, and one individual.

Your Committee finds that seawater air conditioning is known to provide substantial savings of energy and fresh water, both of which are critical to the State's economy and sustainability.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1002, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1002, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 948 Ways and Means on S.B. No. 1019

The purpose and intent of this measure is to strengthen services available to vulnerable youth in the State who struggle with homelessness or commit status offenses.

Specifically, this measure:

- (1) Establishes a safe places for youth pilot program;
- (2) Requires the Office of Youth Services to reduce the use of status offense laws and implement a status offense diversion program; and
- (3) Appropriates funds for the safe places for youth pilot program and the status offense diversion program.

Your Committee received written comments in support of this measure from the Sex Abuse Treatment Center of the Kapiolani Medical Center for Women and Children, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, IMUAlliance, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Youth Services Network, and Hawaii Children's Action Network.

Your Committee finds that this measure establishes programs that will support the youth of Hawaii by providing safe places for homeless youth, diverting homeless and other youth from becoming involved in status offense-type conduct, and by reducing the incidence of status offenders from going into detention that may ultimately be detrimental to those youth.

Your Committee has amended this measure by:

- (1) Changing the appropriation amounts to:
  - (A) \$70,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 for a safe places for youth pilot program coordinator and residential options for the pilot program; and
  - (B) \$130,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 for the Office of Youth Services to implement a status offense diversion program;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1019, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1019, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 949 Ways and Means on S.B. No. 1022

The purpose and intent of this measure is to improve the effectiveness of the Child Welfare Services Branch of the Department of Human Services.

Specifically, this measure establishes a child welfare services task force to review the Child Welfare Services Branch and examine best practices that will help to improve child care safety through the branch.

Your Committee received written comments in support of this measure from the East Hawaii Friends of Foster Families, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and four individuals.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that the task force established by this measure will address ongoing concerns about the Child Welfare Services Branch and make recommendations to improve the branch and provide necessary protection for the State's children.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Human Services shall invite a representative of the United States Department of Defense Family Advocacy program to serve on the task force;
- Clarifying that the task force shall propose improvements to allow for the timely completion of future investigations of child abuse by the child welfare services branch;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1022, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1022, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Kahele).

## SCRep. 950 Ways and Means on S.B. No. 1023

The purpose and intent of this measure is to appropriate moneys to support the Department of Health's Kupuna Care program.

Your Committee received written comments in support of this measure from the Executive Office on Aging of the Department of Health, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Catholic Charities Hawaii, Healthcare Association of Hawaii, Lanakila Pacific, Chinatown Gateway Plaza Tenant Association, AARP Hawaii, ILWU Local 142, Hawaii Women's Coalition, and six individuals.

Your Committee finds that fully funding the Kupuna Care program is critical to keeping seniors healthy and residing at home, which is the most cost-effective way to address the needs of the State's rapidly increasing population of adults age sixty and older.

Your Committee further notes that an appropriation of \$9,000,000, in each year of fiscal biennium 2019-2021 will be needed to fully fund and support the Kupuna Care program.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1023, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1023, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

### SCRep. 951 Ways and Means on S.B. No. 1024

The purpose and intent of this measure is to appropriate funds for the Aging and Disability Resource Center.

Your Committee received written comments in support of this measure from the Department of Health Executive Office on Aging, Policy Advisory Board for Elder Affairs, AARP, and one individual.

Your Committee finds that the Aging and Disability Resource Center assists individuals and their families in locating and accessing support services and in developing and implementing comprehensive care plans.

Your Committee notes that an appropriation of \$3,100,000 is needed for each fiscal year of the 2019-2021 fiscal biennium to sustain the program.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$3,100,000 to an unspecified sum; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1024, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1024, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 952 Ways and Means on S.B. No. 1027

The purpose and intent of this measure is to require health insurers and like entities to provide coverage for hearing aids.

Your Committee received written comments in support of this measure from the Disability and Communication Access Board, Maui County Office on Aging, AARP, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals.

Your Committee received written comments on this measure from the Insurance Division of the Department of Commerce and Consumer Affairs, Department of the Attorney General, Hawaii Employer-Union Health Benefits Trust Fund, Kaiser Permanente, and Hawaii Medical Service Association.

Your Committee finds that some private health insurance plans provide partial coverage for hearing aids and that increased insurance coverage will provide a wider variety of hearing aids to individuals with hearing difficulties.

Your Committee has amended this measure by:

- (1) Deleting references to an employer option with regard to the required coverages under this measure;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1027, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1027, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 953 Ways and Means on S.B. No. 967

The purpose and intent of this measure is to authorize the State Public Charter School Commission to establish and fund charter school prekindergarten classrooms.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, State Public Charter School Commission, Hawaii State Teachers Association, Kamehameha Schools, and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance and the Executive Office on Early Learning.

Your Committee finds that this measure is necessary to ensure the continuation of a program that benefits young learners, supports their overall development, and increases their likelihood of future academic success.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 967, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 967, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Taniguchi).

### SCRep. 954 Ways and Means on S.B. No. 1078

The purpose and intent of this measure is to require that operators of low-speed electric bicycles be at least fifteen years of age and to subject the use of low-speed electric bicycles to various bicycle laws.

Your Committee received written comments in support of this measure from the Department of Transportation, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Bicycling League, and one individual.

Your Committee finds that the law is currently unclear with regard to the regulation of low-speed electric bicycles. This measure will clarify that low-speed electric bicycles are subject to the same laws as bicycles, and establish the minimum age of a low-speed electric bicycle operator.

Your Committee has amended this measure by:

- Specifying that the amendments made by the measure do not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1078, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1078, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

## SCRep. 955 Ways and Means on S.B. No. 1079

The purpose and intent of this measure is to establish and fund an Asset Management Task Force within the Office of the Lieutenant Governor to create a standardized schedule for repairing and maintaining state-owned facilities.

Your Committee received written comments in support of this measure from the Judiciary and Department of Education.

Your Committee finds that the State would benefit from a centralized system to identify and manage maintenance and repair projects.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1079, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1079, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 956 Ways and Means on S.B. No. 1121

The purpose and intent of this measure is to require that the Department of Health establish a working group to evaluate and update its mission and purpose.

More specifically, this measure:

- Requires the Department of Health to establish a working group to examine and make recommendations to update the
  department's statutorily defined powers, duties, functions, and responsibilities, including incorporating certain populationbased approaches to public health and prevention;
- (2) Authorizes the working group to evaluate the department's health impact assessment tool;
- (3) Requires the working group to submit a report to the Legislature; and
- (4) Appropriates moneys to the Department of Health to support the activities of the working group.

Your Committee received written comments in support of this measure from the Department of Health.

Your Committee finds that evaluating and updating the Department of Health's powers and duties to include population-based approaches to public health and prevention that acknowledge the numerous factors that affect health will increase health equity in the State

Your Committee has amended this measure by:

- (1) Designating the individuals with the responsibility to appoint or invite certain representatives to be members of the working group;
- (2) Deleting the appropriation for fiscal year 2020-2021;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1121, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1121, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 957 Ways and Means on S.B. No. 1131

The purpose and intent of this measure is to expand the State's ongoing efforts to reduce homelessness.

Specifically, this measure:

- (1) Increases the number of ohana zone sites on Oahu from three to six;
- Requires at least two additional ohana zones on each of the islands of Hawaii, Maui, and Kauai, if capacity within the ohana zones pilot program permits;
- (3) Requires evaluation of ultra-low cost modular housing and off-the-grid infrastructure technologies in the ohana zones pilot program reports to the legislature;
- (4) Extends both the deadline for implementation and the sunset date of the ohana zones pilot program; and
- (5) Appropriates funds to the Department of Human Services for the ohana zones pilot program.

Your Committee received written comments in support of this measure from the County of Hawaii Office of the Mayor, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Wahiawa Center for Community Health, LGBT Caucus of the Democratic Party of Hawaii, ALEA Bridge, Mililani Presbyterian Church, Hawaii Kai Homeless Task Force, and numerous individuals.

Your Committee received written comments on this measure from the Governor's Coordinator on Homelessness and Maui County Council.

Your Committee finds that increasing the number of ohana zones included in the ohana zones pilot program and requiring evaluation of innovative housing solutions will improve the overall well-being of homeless individuals and families in the State.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount from an unspecified sum to \$500,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive amendment for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1131, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1131, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 958 Ways and Means on S.B. No. 392

The purpose and intent of this measure is to appropriate moneys to the Department of Education to provide special education classrooms throughout the State with instructional materials and equipment.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii Education Caucus, Hawaii State Teachers Association, and one individual.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that providing instructional materials and equipment to special education classrooms will help to narrow the achievement gap between special education students and general education students.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 392, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 392, S.D. 2.

Signed by the Chair on behalf of the Committee Ayes, 12. Noes, none. Excused, 1 (Kahele).

#### SCRep. 959 Ways and Means on S.B. No. 417

The purpose and intent of this measure is to require health insurers and like entities to provide coverage for ambulance services and for statewide community paramedicine services rendered by emergency medical technicians or paramedics.

This measure also requires and appropriates funds for the state Medicaid program to provide ambulance services and authorizes the program to provide coverage for statewide community paramedicine services rendered by emergency medical technicians or paramedics.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, American Medical Response, and Kaiser Permanente.

Your Committee received written comments on this measure from the Attorney General and Department of Commerce and Consumer Affairs, Insurance Division.

Your Committee finds that coverage of services provided by emergency medical technicians or paramedics will ensure patient access to quality health care.

Your Committee has amended this measure by:

- Adding a new section to the measure to require group accident and health or sickness insurance policies to also provide coverage for ambulance services and statewide services rendered by emergency medical technicians or paramedics;
- (2) Changing the appropriation to an unspecified amount; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

Your Committee notes that the state Medicaid program needs an appropriation of \$1,000,000 for each year of fiscal biennium 2019-2021 in order to provide the coverage for ambulance services required under this measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 417, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 417, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 960 Ways and Means on S.B. No. 438

The purpose and intent of this measure is to establish an income tax credit for taxpayers who install or upgrade an electric vehicle charging system that is available for use by the public.

Your Committee received written comments in support of this measure from the Alliance of Automobile Manufacturers; Blue Planet Foundation; Hawaiian Electric Company, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Tesla; Ulupono Initiative; and five individuals.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure is intended to incentivize the development of electric vehicle charging infrastructure in the State.

Your Committee has amended this measure by:

- (1) Clarifying that a taxpayer may claim the tax credit for costs incurred in upgrading, rather than operating, an electric vehicle charging system;
- (2) Deleting a redundant provision regarding the effective date of the measure;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure;
- (4) Clarifying the aggregate cap amount of the tax credit; and
- (5) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

Your Committee notes the following concerns regarding the measure:

- (1) The measure uses the term "credit period." However, the measure does not define this term or explain how the tax credit is intended to be allocated during each year of the credit period;
- (2) The measure uses the terms "level two charging system" and "level three charging system." However, the measure does not define these terms, nor does it provide guidance as to which entity or entities are responsible for establishing standards and criteria for these systems; and
- (3) The measure allows a taxpayer to claim a tax credit for the "upgrade of an electric vehicle charging system[.]" However, the measure does not define "upgrade." As a result, it is unclear what would constitute an upgrade to the "level two charging

system" and "level three charging system" referred to in subparagraphs (b)(2)(A) and (b)(2)(B) of the statute established by the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 438, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 438, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

### SCRep. 961 Ways and Means on S.B. No. 457

The purpose and intent of this measure is to provide increased access to post-secondary education to the residents of the Puna district.

More specifically, this measure:

- (1) Appropriates moneys to the University of Hawaii for staff positions, a feasibility study, and the operating expenses of the Hawaii Community College's distance learning center in the Puna district; and
- (2) Requires the University of Hawaii to submit a report to the Legislature.

Your Committee received written comments in support of this measure from the University of Hawaii, Office of the Mayor of the County of Hawaii, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that due to the Puna district's remote location, its residents and economy would benefit from greater access to post-secondary education through a distance learning center.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 457, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 457, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 962 Ways and Means on S.B. No. 491

The purpose and intent of this measure is to appropriate funds for various operating expenses of the Department of Agriculture.

Your Committee received written comments in support of this measure from the Department of Agriculture, a member of the Hawaii County Council, and Hawaii Farm Bureau.

Your Committee finds that the appropriations made by this measure will assist the Department of Agriculture in its efforts to support and grow Hawaii's agriculture industry.

Your Committee has amended this measure by:

- (1) Amending the number of positions authorized and amounts appropriated for the AGR132 program;
- (2) Amending the amounts appropriated and method of funding used to hire additional environmental health specialist positions in the pesticides branch, and providing that the positions shall be temporary rather than permanent;
- (3) Removing multiple other budget items from the measure;
- (4) Adding a severability clause;
- (5) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive amendments for the purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 491, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 491, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 963 Ways and Means on S.B. No. 492

The purpose and intent of this measure is to require the Auditor to conduct a performance audit of the Department of Human Services Disability Determination Branch.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that the Department of Human Services Disability Determination Branch handles more than six thousand initial claims annually. A performance audit of the branch will help to determine whether the criteria used for eligibility determinations is proper, as well as reveal any factors that may unnecessarily contribute to extending processing times of applications.

Your Committee further finds that the audit requested by this measure will require an appropriation of \$400,000 in each fiscal year of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 492, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 492, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 964 Ways and Means on S.B. No. 500

The purpose and intent of this measure is to expand the duties and responsibilities of the Office of the Lieutenant Governor to include management and oversight of public tours of the state capitol and maintenance and publication of a list of state board and commission vacancies.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Office of the Governor and Department of Land and Natural Resources' Aha Moku Advisory Commission.

Your Committee finds that the Office of the Lieutenant Governor would be an appropriate entity to manage state capitol tours and to maintain a list of vacancies on state boards and commissions.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 500, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 500, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

# SCRep. 965 Ways and Means on S.B. No. 509

The purpose and intent of this measure is to appropriate funds for various operating expenses of the Highways Division of the Department of Transportation.

Your Committee did not receive any written comments on this measure.

Your Committee finds that this measure includes additional funds for the Department of Transportation, Highways Division, for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee has amended this measure by:

- (1) Changing the amount of special funds appropriated for a highways financial management system for fiscal year 2019-2020 from \$10,703,000 to \$10,703,600; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 509, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 509, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

### SCRep. 966 Ways and Means on S.B. No. 529

The purpose and intent of this measure is to temporarily establish dedicated positions for the purpose of improving the ability of certain departments to secure grants and other funding opportunities.

Specifically, this measure appropriates funds for a pilot project within the departments of Human Services and Health to hire capture managers and support positions responsible for writing and applying for grants, along with managing grants successfully secured.

Your Committee received written comments in support of this measure from the Department of Human Services, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Hawaii Primary Care Association.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that while the departments of Human Services and Health currently pursue grants and technical assistance opportunities, having dedicated individuals to design, submit, and coordinate the grant applications would improve the ability of the

departments to pursue additional funding sources and expend any additional funds for the betterment of the individuals who receive benefits or services from the departments.

Your Committee acknowledges the concerns expressed by the Department of the Attorney General regarding an arguable violation of Article III, section 14, of the Hawaii State Constitution by the inclusion in the measure of appropriations for the Department of Health.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 529, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 529, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 967 Ways and Means on S.B. No. 572

The purpose and intent of this measure is to require the Auditor to perform a comprehensive performance audit of the Department of Public Safety.

Your Committee received written comments in support of this measure from the Department of Public Safety, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Community Alliance on Prisons, and two individuals.

Your Committee received written comments on this measure from the Office of the Auditor.

Your Committee finds that recent suicides and other deaths among inmates highlight the need to review whether the Department of Public Safety provides necessary mental health services to inmates and pre-trial detainees. Your Committee further finds the estimated cost of the proposed audit of the department to be \$200,000.

Your Committee has amended this measure by:

- (1) Changing the amount appropriated to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 572, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 572, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 968 Ways and Means on S.B. No. 586

The purpose and intent of this measure is to require certain developments of nonresidential projects and transient accommodations to contribute to the funding of public education.

Specifically, this measure repeals the school impact fee exemptions for nonresidential development and housing subject to the transient accommodations tax when seeking development in a designated school impact district requiring county subdivision approval, a county building permit, or condominium property regime approval of the project.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii Education Caucus and Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education and Tax Foundation of Hawaii.

Your Committee finds that nonresidential development and housing subject to transient accommodations tax generates jobs that make nearby neighborhoods more attractive to workers and their families. The resulting increase in residential development, in turn, increases the need for additional public schools to serve these areas. Accordingly, your Committee finds that this measure will contribute to offsetting the cost of providing a public education within rapidly developing areas of the State.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 586, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 586, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (English).

# SCRep. 969 Ways and Means on S.B. No. 662

The purpose and intent of this measure is to improve highway safety by removing potentially unsafe vehicles from the road.

Specifically, this measure:

- (1) Prohibits motor vehicle lessors from renting, leasing, or offering for rent or lease vehicles that are subject to a vehicle manufacturer's recall until appropriate repairs are made; and
- (2) Requires a person engaging in the peer-to-peer vehicle sharing organization business to register with the Director of Taxation.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs and Enterprise Rental Car.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that this measure provides protections for consumers by removing potentially unsafe vehicles from the road, including vehicles that are subject to a manufacturer's recall. However, your Committee notes that, because peer-to-peer vehicle sharing businesses do not own the vehicles that they lease, these businesses have expressed concerns regarding their ability to implement the recall protocols described in this measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 662, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 662, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 970 Ways and Means on S.B. No. 705

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Accounting and General Services.

No written comments were received on this measure.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Accounting and General Services from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- Amending the appropriation of special funds to the AGS130 program to clarify that the ceiling of the shared services technology special fund is being increased by \$150,000; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 705, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 705, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 971 Ways and Means on S.B. No. 757

The purpose and intent of this measure is to increase government transparency.

Specifically, this measure requires each agency to maintain a website that contains a list of the agency's open contested cases that are not confidential by law.

Your Committee received written comments in support of this measure from the Hawaii Civil Rights Commission, Hawaii Labor Relations Board, Department of Land and Natural Resources, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that requiring each agency to post a list of all active contested cases online will provide notice to the public of the agency's ongoing proceedings and increase transparency and accountability in the contested case process.

Should this measure be enacted into law, your Committee notes that the Department of Labor and Industrial Relations may require additional staff and operating funds to implement the requirements of the measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 757, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 757, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Kahele).

### SCRep. 972 Ways and Means on S.B. No. 762

The purpose and intent of this measure is to establish a preschool through post-secondary, or P-20, agriculture education coordinator position within the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources.

More specifically, this measure:

- (1) Establishes the P-20 agriculture education coordinator position within the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources;
- (2) Requires the P-20 agriculture education coordinator and the P-20 agriculture education working group to carry out an implementation plan for preschool through post-secondary agriculture education in the State; and
- (3) Appropriates moneys to the University of Hawaii for the P-20 agriculture education coordinator position.

Your Committee received written comments in support of this measure from the University of Hawaii; Waipahu High School; BEES>me; Blue Zones Project; Hawaii Cattlemen's Council; Hawaii Farm Bureau; Hawaii Farm to School Hui; Hawaii FFA; Ka Ohana O Na Pua; Kokua Hawaii Foundation; Local Food Coalition; McKinley High School FFA Alumni Association; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Oahu Farm to School Network; 7th Grade Students of My Life, My Island, My World course at Iolani School; and numerous individuals.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that agriculture education at all levels will help to create a larger future generation of farmers in the State, helping to ensure increased food security and self-sufficiency.

Your Committee has amended this measure by:

- Clarifying that the P-20 agriculture education coordinator and the p-20 agriculture education working group shall submit an annual report to the Legislature; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 762, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 762, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 973 Ways and Means on S.B. No. 1

The purpose and intent of this measure is to establish the ALOHA homes program in the Hawaii Housing Finance and Development Corporation to provide low-cost, high density leasehold homes for sale to Hawaii residents on state-owned lands within a one-half mile radius of a public transit station.

This measure also appropriates general funds for deposit into the ALOHA homes revolving fund, and appropriates funds from the revolving fund for the housing program.

Your Committee received written comments in support of this measure from the Chamber of Commerce Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaiian Community Assets, BIA-Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Kai Homeless Task Force, Ulupono Initiative, and five individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Department of Budget and Finance, Department of the Attorney General, Hawaii Housing Finance and Development Corporation, Office of Hawaiian Affairs, Office of Planning, State Procurement Office, and Department of Planning and Permitting of the City and County of Honolulu.

Your Committee finds that the consolidation of ideas and initiatives embodied in this measure is required to lift the State out of its housing crisis.

Your Committee has amended this measure by:

- (1) Making technical corrections relating to cross-references and the placement of definitions for "ALOHA" and "public transit station";
- Deleting provisions relating to special fund administrative and central services fee exemptions for the ALOHA homes revolving fund;
- (3) Changing the appropriations to unspecified amounts;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 974 Ways and Means on S.B. No. 17

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Hawaii Public Housing Authority.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Hawaii Public Housing Authority from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Amending the amounts appropriated or authorized and maximum number of positions authorized for various Hawaii Public Housing Authority programs;
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 17, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 17, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 975 Ways and Means on S.B. No. 149

The purpose and intent of this measure is to provide the State Fire Council with greater control over hiring personnel and purchasing office equipment and supplies.

More specifically, this measure:

- (1) Removes the requirement that the State Fire Council hire its administrator and administrative assistant on a full-time basis;
- (2) Authorizes the State Fire Council to employ additional staff and contract with any county fire department to employ the Council's staff; and
- (3) Requires that the Department of Labor and Industrial Relations' budget include the State Fire Council's office equipment and supplies.

Your Committee received written comments in support of this measure from the State Fire Council and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments in opposition to this measure from the Hawaii Government Employees Association.

Your Committee finds that giving the State Fire Council greater flexibility in hiring personnel and providing funding for different types of personnel and office equipment will enable the Council to fulfill its duties and responsibilities more efficiently.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 149, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 149, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 976 Ways and Means on S.B. No. 187

The purpose and intent of this measure is to increase the number of district court judges in the State.

Specifically, the measure:

- (1) Adds a fifteenth district court judge to the First Circuit;
- (2) Adds a fourth district court judge to the Second Circuit; and

(3) Appropriates \$170,000 for fiscal year 2019-2020 and \$330,000 for fiscal year 2020-2021 for each of the aforementioned additional judgeships.

Your Committee received written comments in support of this measure from the Judiciary; Department of the Prosecuting Attorney, County of Maui; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and Maui County Bar Association.

Your Committee finds that due to congestion of court cases in the District Courts of the First and Second Circuits, there have been significant delays in the resolution of cases, as well as a reduction in the amount of time available to judges to consider matters before them. Your Committee believes that this measure will help reduce this congestion.

Your Committee has amended this measure by:

- (1) Changing the appropriations to \$96,636 for fiscal year 2019-2020 and \$193,272 for fiscal year 2020-2021 for each of the additional judgeships;
- (2) Clarifying that each appropriation is for one full-time equivalent (1.00 FTE) judgeship; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 187, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 187, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 977 Ways and Means on S.B. No. 235

The purpose and intent of this measure is to appropriate funds for various operating expenses of the Department of Health.

Specifically, this measure:

- (1) Appropriates general funds to add permanent positions and funds for the enforcement of non-point source water pollution; and
- (2) Appropriates moneys from the sanitation and environmental health special fund to add permanent sanitarian positions and funds for improved food safety.

Your Committee received written comments in support of this measure from the Department of Health.

Your Committee finds that the funds appropriated by this measure will assist the Department of Health to address pollution issues caused by runoff and other activities that may lead to beach closures and brown water advisories. Your Committee further finds that the additional sanitarian positions authorized by this measure will help to reduce the occurrence of food borne illness from food service establishments.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 235, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 235, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Kahele, Riviere, Shimabukuro, Taniguchi).

## SCRep. 978 Ways and Means on S.B. No. 316

The purpose and intent of this measure is to appropriate funds to expand the Hawaii Community College Promise Program to fouryear institutions within the University of Hawaii system.

Your Committee received written comments in support of this measure from the University of Hawaii, University of Hawaii Alumni Association, Democratic Party of Hawaii Education Caucus, Americans for Democratic Action Hawaii, and Hawaii Educational Policy Center

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that this measure provides financial assistance to students with demonstrated financial need, increasing the number of economically disadvantaged students who can attend and graduate with a degree from the University of Hawaii system.

Your Committee further finds that the University of Hawaii Community College Promise Program, established pursuant to Act 14, Session Laws of Hawaii 2018, has a base budget of \$3,200,000. Your Committee finds that this measure, as amended, will provide an additional \$800,000 to the program, increasing the total budget to \$4,000,000. Your Committee finds that this will allow the program to provide up to ninety per cent of the funding gap for qualifying students.

Your Committee has amended this measure by:

- (1) Requiring that the University of Hawaii:
  - (A) Annually collect data on the Hawaii Community College Promise Program and its scholarship recipients; and

- (B) Submit an annual report to the Legislature no later than thirty days prior to the Regular Session of 2021 and each legislative session thereafter;
- (2) Removing a provision appropriating moneys to fund the Hawaii promise program for four-year institutions;
- (3) Specifying an appropriation amount of \$800,000 for fiscal year 2019-2020, and the same sum for fiscal year 2020-2021, for the Hawaii Community College Promise Program;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 316, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 316, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 979 Ways and Means on S.B. No. 375

The purpose and intent of this measure is to require the Department of Agriculture, in cooperation with the Office of the Governor, to develop and submit to the Legislature a strategic plan to double local food production and increase food exports by 2030.

The measure also appropriates \$500,000 for fiscal year 2019-2020 for this purpose.

Your Committee received written comments in support of this measure from the Office of the Governor; Department of Agriculture; University of Hawaii; Hawaii Farm Bureau; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; 350 Hawaii; We Are One, Inc.; Hawaii Cattlemen's Council; and numerous individuals.

Your Committee finds that this measure will establish relevant benchmarks and metrics to move the State closer toward achieving its food production and export goals, including the goal of doubling local food production and increasing food exports by 2030. Your Committee also finds that an appropriation of \$500,000 for fiscal year 2019-2020 is necessary to achieve the intent of this measure.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 375, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 375, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

### SCRep. 980 Ways and Means on S.B. No. 388

The purpose and intent of this measure is to require clinical assessments of certain students.

Specifically, this measure requires the Department of Education to:

- (1) Upon request by a parent or guardian, provide various evaluations of certain children who exhibit emergent or persistent behavioral issues; and
- (2) Evaluate certain suspended students for mental health and learning differences.

Your Committee received written comments in support of this measure from the Kinai Eha; Mililani Psychology Group; Alakai Na Keiki, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and eleven individuals.

Your Committee received written comments in opposition to this measure from the Department of Education.

Your Committee finds that early intervention and evaluation of at-risk youth can diagnose a multitude of social and emotional disorders, which can then be used to help determine appropriate mental health and educational services.

Your Committee has amended this measure by:

- (1) Requiring that the Department of Education provide the parents or guardians of suspended students with the option to request an assessment to determine or uncover any contributing factors that may have led to the offense and provide services to the student that may mitigate any future disciplinary issues or concerns;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive amendment for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 388, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 388, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Taniguchi).

### SCRep. 981 Ways and Means on S.B. No. 1325

The purpose and intent of this measure is to clarify that condominium associations may invest in government money market funds.

Your Committee received written comments in support of this measure from the Hawaii Bankers Association.

Your Committee finds that this measure will align state law regarding allowable investments by condominium associations with current federal Security and Exchange Commission regulations. Your Committee notes that this measure will allow condominium associations to prudently invest money collected from unit owners in government money market funds, an investment that is often advantageous for both the associations and the government.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1325 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

### SCRep. 982 Commerce, Consumer Protection, and Health on S.B. No. 381

The purpose and intent of this measure is to require the counties to adopt supplemental ordinances and rules on condominium property regimes, including agricultural lands held in condominium property regimes.

Your Committee received testimony in support of this measure from the Office of Planning, City and County of Honolulu Department of Planning and Permitting, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that better enforcement of agricultural uses on agricultural lands should be implemented. This measure clarifies the relationship between county ordinances and condominium property regimes, including agricultural lands held in condominium property regimes, which will ensure conformance of condominium property regimes with the underlying county zoning and state land use district and applicable development permits. By allowing county participation in the condominium property regime process, the counties will be able to develop specific measures to address the particular enforcement issues each county faces with respect to regulating uses and development on lands under condominium property regimes.

Your Committee has amended this measure by:

- (1) Specifying that the declaration required to be executed and recorded when creating a condominium property regime in the agricultural district shall include an additional statement declaring that the condominium property regime complies with applicable county subdivision ordinances and rules; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 381, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 381, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

### SCRep. 983 Commerce, Consumer Protection, and Health on S.B. No. 1242

The purpose and intent of this measure is to update the State's waste disposal goal to reduce total solid waste prior to landfill disposal by seventy percent by 2030.

Your Committee received testimony in support of this measure from the Department of Health, Office of Hawaiian Affairs, Department of Environmental Services of the City and County of Honolulu, Ulupono Initiative, and two individuals. Your Committee received testimony in opposition to this measure from Kokua Hawaii Foundation, Zero Waste Oʻahu, Sustainable Coastlines Hawaii, and thirty-seven individuals. Your Committee received comments on this measure from the Sierra Club of Hawaii.

Your Committee finds this measure, which is in response to recommendations made in the Office of the Auditor's Report Number 14-16, updates solid waste management goals set in place twenty-eight years ago. The solid waste reduction goals in this measure are intended to support and align with the Aloha+ Challenge target of reducing Hawaii's total solid waste prior to disposal by 2030. This measure reflects a statewide commitment to update sustainability goals that will improve resiliency and sustainability of natural and cultural resources in Hawaii. Your Committee notes concerns raised in testimony from Zero Waste O'ahu that this measure emphasizes landfill diversion rather than solid waste reduction.

Accordingly, your Committee has amended this measure by clarifying that the goal of seventy percent reduction in solid waste by 2030 applies to total solid waste prior to disposal by any means, rather than only a reduction of waste prior to landfill disposal.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1242, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1242, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 984 Water and Land on S.B. No. 1303

The purpose and intent of this measure is to:

- (1) Allow the Department of Education to lease public school lands for a term of not more than ninety-nine years per lease; and
- (2) Amend Act 206, Session Laws of Hawaii 2017, to allow the City and County of Honolulu to transfer lands under existing Department of Education facilities directly to the Department of Education, rather than through the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Education, Building Industry Association of Hawaii, Chamber of Commerce Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs, Hawaii's Thousand Friends, and four individuals.

Your Committee finds that Act 155, Session Laws of Hawaii 2013, established a pilot program to generate revenue from uses of public school lands for public purposes, such as workforce housing, to build and retrofit twenty-first century schools and create more school-centered communities. The pilot program laid important groundwork for a statewide approach and plan to optimize public school lands and modernize public school facilities. Your Committee further finds that looking at ways to responsibly utilize the State's existing lands and facilities to generate alternative sources of revenue to repair, maintain, and build twenty-first century schools is not a new concept in other states and jurisdictions, but one that must be explored cautiously here in Hawaii.

Your Committee has amended this measure by:

- (1) Inserting a blank number of years per lease term for which the Department of Education is allowed to lease public school
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1303, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1303, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Riviere, Fevella). Noes, none. Excused, none.

### SCRep. 985 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 824

The purpose and intent of this measure is to:

- (1) Prohibit the operation of a moped or motor scooter leased from a rental company unless the operator is wearing a helmet; provided that the prohibition does not apply if the operator has a valid license to operate a motorcycle from any state; and
- (2) Prohibit the renting out of any moped or motor scooter with an aftermarket modification to its motor.

Your Committees received testimony in support of this measure from the Department of Transportation, Keiki Injury Prevention Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Meal Prep Las Vegas, Icon Tile, Lexislaw808, and fifty-six individuals.

Your Committees find that wearing a helmet when operating a moped or motor scooter can increase the chance of survival in the event of an accident. According to the Hawaii Injury Prevention Plan for 2012-2017, published by the Emergency Medical Services and Injury Prevention System Branch of the Department of Health, helmets can reduce the risk of death by forty-two percent and reduce the risk of a head injury by sixty-nine percent. Your Committees further find that in the State, there were twenty-three motor scooter and moped operator fatalities from 2016 to 2018. Of the twenty-three fatalities reported, twenty-two operators were not wearing a helmet. This measure will ensure the safety of residents and visitors of the State and reduce the number of fatalities by requiring certain moped and motor scooter operators to wear helmets.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 824, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4; Ayes with Reservations (Thielen). Noes, none. Excused, 3 (Chang, Nishihara, Ruderman).

Judiciary: Ayes, 5. Noes, none. Excused, none.

## SCRep. 986 Commerce, Consumer Protection, and Health on S.B. No. 11

The purpose and intent of this measure is to prohibit the sale of polystyrene foam containers and the use of polystyrene foam containers for serving prepared foods beginning July 1, 2020, and to authorize the Department of Health to adopt rules to implement the prohibition.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; one council member of the Maui County Council; one council member of the Hawaii County Council; Sierra Club of Hawaii; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Reef and Ocean Coalition; Americans for Democratic Action Hawaii; Hawaii SEED; Sustainable Coastlines Hawaii; Friends of Hanauma Bay; No Single Use – Hawaii; Beach Environmental Awareness Campaign Hawaii; Zero Waste Oʻahu; We Are One, Inc.; Surfrider Foundation; Wipeout Crew of Henry J. Kaiser High School; Kona Brewing Company; Big Island Divers; Kahili Adventist School; and one hundred nineteen individuals. Your Committee

received testimony in opposition to this measure from the Hawaii Food Industry Association; Chamber of Commerce Hawaii; American Chemistry Council; Retail Merchants of Hawaii; Hawaii Restaurant Association; Pancakes & Waffles B.L.D. Hawaii; Tatsuos; HNA Food Services LLC; Queen Street Cafe & Grill; Jets Fast Food; Nabeya Maido; Hibachi Kailua; Pho Tri Restaurant; Loco Moco Drive Inn-Ewa Beach; Cooke Street Diner; Papa's Café; Shiro's Saimin Haven; Stadium Pho; and four individuals. Your Committee received comments on this measure from the Department of Health and Department of Land and Natural Resources.

Your Committee finds that polystyrene foam containers may present a health hazard if styrene, a known carcinogen, leaches into food held in the containers or enters the food chain when consumed by wildlife. Many of the polystyrene containers in the waste stream are used one time and then discarded. As a result, polystyrene foam containers constitute a significant amount of plastic litter found in the environment as they linger indefinitely in land and marine environments, causing deleterious effects to wildlife and habitats.

Your Committee finds that while reducing the use of polystyrene containers is a small but important step toward reducing plastic pollution in the State's natural environment, it is important for state and county agencies to take proactive steps to encourage appropriate disposal of all types of litter and waste.

Your Committee has amended this measure by:

- Clarifying the definition of "prepared food" to ensure pre-packaged non-prepared foods, such as raw eggs and butchered meat, are exempt;
- (2) Narrowing the polystyrene foam container prohibition to restaurants only, rather than also applying the prohibition to vendors operating in the State, and making associated conforming amendments;
- (3) Clarifying that this measure does not preempt a county from enacting more stringent ordinances;
- (4) Delaying the effective date to December 31, 2020, to provide businesses additional time to source alternatives to polystyrene foam containers; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 11, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 11, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Ruderman).

#### SCRep. 987 Commerce, Consumer Protection, and Health on S.B. No. 822

The purpose and intent of this measure is to include flood damage and material damage to a motor vehicle's electronics in the definition of "rebuilt vehicle" under existing law.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual. Your Committee received comments on this measure from State Farm Mutual Automobile Insurance Company.

Your Committee finds that under existing law, a vehicle that is declared a total loss can only be subject to a branded "rebuilt vehicle" title if there is material damage to its frame, unitized structure, or suspension system, and the cost to repair is greater than the vehicle's market value. When an automobile insurer makes this determination, and the car is subsequently rebuilt, it must be branded with a "rebuilt title", which warns future purchasers that the car has been declared a total loss and might have hidden defects that could affect its safe operation. However, existing law does not require a car that has sustained significant flood damage and likewise been declared a total loss to be similarly branded since the existing definition of "rebuilt vehicle" does not include flood damage or damage to a car's electronics. Since modern cars are equipped with electronics and advanced technology compared to cars of the early 1990s, when the existing definition of "rebuilt vehicle" was last amended, this measure corrects this oversight by adding flood damage and damage to a vehicle's electronics to the determination of total loss for titling purposes. This is a consumer protection and safety issue, and is particularly relevant in Hawaii where severe storms and salt water can and do cause flood damage to the vehicle and its electronics.

Your Committee has amended this measure by updating the purpose section.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 822, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 822, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 988 Commerce, Consumer Protection, and Health on S.B. No. 1126

The purpose and intent of this measure is to:

- Beginning on November 1, 2019, require all vulnerable coastal property sales or transfers to include a sea level rise hazard
  exposure statement to ensure that new property owners and transferees understand the special hazards, requirements, and
  limitations that may affect the property; and
- (2) Require sellers to include whether property is within a sea level rise exposure area in the disclosure statement provided to the buyer

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, one council member from the Maui County Council, Environmental Caucus of the Democratic Party of Hawai'i, Hawaiian Community Assets, Sierra Club of Hawai'i, Hawai'i Reef and Ocean Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Surfrider Foundation Hawaii Chapters, and thirty individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that coastal properties in the State are often vulnerable to hazards, such as coastal erosion, flooding, tsunamis, storms, high surf, sea level rise, and human-caused loss of natural sand supply. If landward retreat happens, property owners or transferees may be negatively affected in the form of building setbacks, declining property values, insurance unavailability, and strict permit requirements for shoreline protection. Your Committee further finds that it is critical for buyers to understand the hazards and risks they are assuming when purchasing ocean front property. This measure therefore requires buyers and transferees to acknowledge, through the execution of a sea level rise hazard exposure statement, that they are aware of certain potential risks associated with the vulnerable coastal property and also requires sellers to include in their mandatory disclosure statement to buyers that the residential real property lies within a sea level rise exposure area, if applicable. Your Committee finds that requiring acknowledgment and disclosure from both buyers and sellers in these real property transactions will promote transparency and support informed decision making by buyers.

Your Committee has amended this measure by:

- () Revising the definition of "vulnerable coastal property" by removing the two-foot sea level rise specification and generally defining it as real property that is within the officially designated sea level rise exposure area; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1126, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1126, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 989 Commerce, Consumer Protection, and Health on S.B. No. 1161

The purpose and intent of this measure is to:

- (1) Establish rules, regulations, and permitting procedures for transportation network companies operating in the State; and
- (2) Make permanent insurance requirements for transportation network companies and transportation network company drivers.

Your Committee received testimony in support of this measure from the Department of Transportation; Lyft; and Uber Technologies, Inc. Your Committee received testimony in opposition to this measure from Charley's Taxi and Hawaii Passenger and Property Carriers Association. Your Committee received comments on this measure from the City and County of Honolulu Department of Transportation Services.

Your Committee finds that transportation network companies enhance access to transportation options for residents and visitors of the State by providing a convenient means of transportation. Your Committee further finds that given the rise in popularity of transportation network companies in recent years, statewide regulation is needed to ensure the safety, reliability, and cost-effectiveness of rides provided by transportation network companies. This measure will establish necessary procedures to regulate a widely used service, thereby ensuring the safety of consumers.

Your Committee has amended this measure by:

- (1) Adopting amendments suggested by Lyft that:
  - (A) Remove the prohibition against owning a transportation network company vehicle in the definition of a "transportation network company";
  - (B) Clarify that the definition of "transportation network company vehicle" includes a vehicle that is not operating as a taxicab, limousine, or other for-hire vehicle;
  - (C) Clarify that a picture of the transportation network company driver and the vehicle's license plate number shall be displayed to a rider during a prearranged ride;
  - (D) Clarify that existing insurance requirements apply to transportation network companies and transportation network company drivers, rather than entities and individuals;
  - (E) Specify that certain requirements for transportation network company drivers must be met prior to accepting trip requests;
  - (F) Update references from the national sex offender registry to the United States Department of Justice national sex offender public website or publicly accessible State sex offender registry;
  - (G) Clarify that failure to possess valid registration and automobile liability insurance disqualifies an individual from acting as a transportation network company driver; and
- (2) Specifying that transportation network company drivers must comply with all applicable laws to accommodate assistance animals, rather than just service animals, and inserting a definition of "assistance animal"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1161, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1161, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

### SCRep. 990 Commerce, Consumer Protection, and Health on S.B. No. 1064

The purpose and intent of this measure is to prevent the loss of large-scale agricultural parcels and ensure that future use of land in the state agricultural district is for bona fide agricultural operations in any county where one-third or less of the county's land is classified in the state agricultural district.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc. and Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Department of Agriculture and Office of Planning.

Your Committee finds that creation of a condominium property regime is an alternative to the subdivision of a parcel of land. When applied to land in the state agricultural land use district, the creation of a condominium property regime can result in a larger contiguous area available for farming than under a subdivision.

Your Committee further finds that this measure is intended to curtail the fragmentation of intact agricultural lands and stem the encroachment of low-density, higher-valued residential uses on land in the state agricultural district.

Your Committee has amended this measure clarifying that the prohibition proposed by this measure applies to parcels of land classified in the state agricultural land use district.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1064, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1064, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman).

### SCRep. 991 Commerce, Consumer Protection, and Health on S.B. No. 1378

The purpose and intent of this measure is to authorize an owner of a shipping container chassis to keep a duplicate copy of the certificate of registration within the shipping container chassis; provided that the original certificate of registration is available for inspection at the principal place of business.

Your Committee received testimony in support of this measure from Matson.

Your Committee finds that a shipping container chassis is a wheeled frame that is designed to carry a shipping container over the road. Your Committee further finds that, under existing law, owners of shipping container chassis must keep the original copy of the certificate of registration within the chassis. However, due to their design, shipping container chassis do not have the necessary compartments to properly and securely store the original certification of registration.

Although this measure allows owners of a shipping container chassis to keep a duplicate copy of a certificate of registration within the chassis, rather than the original certificate of registration, your Committee notes that this does not take into account the lack of necessary compartments in a chassis to secure and store any such document, whether a duplicate or the original. Furthermore, according to testimony received by your Committee, it is unfeasible to keep a copy of a chassis registration in a truck, as specific shipping container chassis are not assigned to specific trucks, as this would prohibit these containers from moving in the most efficient manner.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that owners of chassis used for transporting shipping containers are exempt from the requirement to keep a certificate of registration within a chassis, and permitting these businesses to keep the original certificate of registration, motor vehicle identification card, certificate of insurance, and certificate of inspection at their principal place of business within the State; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1378, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1378, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

### SCRep. 992 Commerce, Consumer Protection, and Health on S.B. No. 253

The purpose and intent of this measure is to:

 Codify the substantive provisions of Executive Order No. 18-02, which requires all state agencies to contract internet-related services only with internet service providers that demonstrate and contractually agree to support and practice net neutrality principles;

- (2) Add contract language and provisions regarding net neutrality principles to state procurement requirements that suppliers of telecommunications, internet, broadband, and data communication services must abide by; and
- (3) Define "net neutrality principles".

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual. Your Committee received testimony in opposition to this measure from the State Procurement Office and CTIA. Your Committee received comments on this measure from Charter Communications.

Your Committee finds that Governor Ige's Executive Order No. 18-02 requires state government agencies to contract internetrelated services only with internet service providers who demonstrate and contractually agree to support and practice net neutrality principles. Net neutrality creates an equal playing field for access to information, promotes a free and open Internet, and preserves the First Amendment right to free speech.

The Federal Communications Commission recently decided to end net neutrality protections and has indicated that violations of net neutrality principles are best viewed through federal and state trade and business practices laws, which can be enforced by state governments. This measure promotes the basic principles of the free and open exchange of information and a free and open Internet without interference by internet service providers. Your Committee additionally finds that it is important for the Legislature adopt and codify net neutrality principles to maintain equal internet access for all in the event a successor governor repeals Executive Order No. 18-02.

Your Committee has amended this measure by:

- (1) Requiring the Director of Commerce and Consumer Affairs to monitor net neutrality, including broadband and its products and services and internet access services of general application throughout the State;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 253, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 253, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 993 Judiciary on S.B. No. 1048

The purpose and intent of this measure is to:

- (1) Make unenforceable confidentiality clauses in employment contracts when an act of sexual harassment is claimed by an employee, except as otherwise provided by federal law;
- (2) Ban mandatory arbitration in agreements as to sexual harassment claims beginning July 1, 2019, except as otherwise provided by federal law; and
- (3) Make mandatory confidentiality claims in an arbitration agreement unenforceable as to sexual harassment claims, except as otherwise provided by federal law.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, AAUW of Hawaii, Planned Parenthood Votes Northwest and Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Women Lawyers, Hawaii Women's Coalition, and one individual.

Your Committee finds that confidentiality clauses in employment contracts that apply to sexual harassment claims and mandatory arbitration agreements requiring arbitration of sexual harassment claims allow sexual harassment to be kept a secret and off the record. Your Committee further finds that these clauses in agreements shield harassers from liability for their actions and limit the ability of the victims of sexual harassment to effectively pursue legal remedies. This measure will make mandatory arbitration agreements and confidentiality agreements unenforceable as to sexual harassment claims.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1048, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 994 (Joint) Judiciary and Ways and Means on S.B. No. 367

The purpose and intent of this measure is to prohibit food service businesses and stores from the sale, use, or distribution of polystyrene foam containers, expanded polystyrene food service products, plastic straws, and plastic bags.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, one member of the Hawaii County Council, Animal Rights Hawaii, Organizing for Action, Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, Zero Waste Oʻahu, No Single Use Hawaii, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Beach Environmental Awareness Campaign Hawaii, Kona Brewing Company, Surfrider Foundation, Sustainable Coastlines Hawaii, Kokua Hawaii Foundation, Sierra Club of Hawaii, and fifty-five individuals. Your Committees received testimony in opposition to this measure from Island Plastic Bags Inc.; Cooke Street Diner; LoCo MoCo Drive Inn—Ewa Beach; Pho Tri Restaurant; Hawaii Food Industry Association; Nabeya Maido; Shiro's Saimin Haven; Papa's Cafe; American Chemistry Council; Hibachi; Queen Street Cafe & Grill; HNA FOOD SERVICES LLC; Jets Fast Food; Tatsuos; Hawaii Restaurant Association; Stadium Pho; Retail Merchants of

Hawaii; Hawaii Restaurant Association; Chamber of Commerce Hawaii; KYD, Inc. dba: K. Yamada Distributors; and three individuals. Your Committees received comments on this measure from the Department of Health.

Your Committees find that single-use plastics, such as polystyrene foam containers and plastic bags, have a negative impact on native species of cultural significance, including endangered and subsistence resource species. In Hawaiian waters, the ingestion of discarded plastic debris, such as polystyrene and plastic bags by native seabirds and endangered turtles, is a well-documented phenomenon that has highly injurious or fatal consequences.

Your Committees further find that the littering of polystyrene foam, plastic straws, and plastic bags are the most common types of litter that pollute Hawaii. Your Committees find that prohibiting the distribution of these materials can help protect Hawaii's land, native species, and waters.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 367, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Taniguchi, Fevella). Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 995 (Joint) Judiciary and Ways and Means on S.B. No. 759

The purpose and intent of this measure is to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and vandalism cases in the Counties of Hawai'i and Maui, including theft and vandalism affecting individuals who are not full-time farmers or ranchers.

Your Committees received testimony in support of this measure from the Department of Agriculture, County of Hawai'i Office of the Mayor, one member of the Maui County Council, Ulupono Initiative, Hawai'i Center for Food Safety, Maui County Farm Bureau, and Hawai'i Farm Bureau.

Your Committees find that agricultural theft and vandalism are a constant worry for farmers and ranchers in the State. Given the sparse population and broad acreage that many farming and ranching operations in the State encompass, it is often difficult for farmers and ranchers to police their entire operations at all times. Such theft and vandalism has resulted in an increased cost of production and made it more difficult for farming and ranching operations to be successful.

Your Committees further find that the Department of Agriculture entered into a two-year contract with the County of Hawai'i Prosecutor's Office for an investigator to conduct agricultural theft and vandalism investigations. This has been a productive project that includes performing investigations and outreach with farmers, law enforcement, and farmers' markets. Your Committees believe that this program should be expanded on Hawai'i island and initiated in Maui.

Your Committees have amended this measure by:

- (1) Inserting an effective date of March 15, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 759, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 759, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

# SCRep. 996 (Joint) Judiciary and Ways and Means on S.B. No. 819

The purpose and intent of this measure is to authorize and establish procedures and criteria for prescriptive authority for clinical psychologists who meet specific education, training, and registration requirements.

Your Committees received testimony in support of this measure from the Hawai'i Psychological Association, Board of Psychology, American Psychological Association, Mental Health America of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and fifty-two individuals. Your Committees received testimony in opposition to this measure from the American Psychiatric Association, Hawaii Medical Association, and twelve individuals.

Your Committees find that a critical need exists in Hawaii for improved access to safe, effective, and comprehensive mental health care service due to a shortage of psychiatrists, particularly on the neighbor islands. Your Committees further find that some individuals who are in need of medication to treat mental health disorders choose to forego treatment because of the difficulty or expense involved in seeing a psychiatrist. This measure is intended to provide the necessary safeguards to ensure that only those psychologists with appropriate education, clinical training, and registration will be authorized to prescribe from a limited formulary of psychiatric medications to meet the needs of patients who otherwise might fall into a gap in service. Your Committees note that it would be better if there were enough psychiatrists to meet the need for services, but in the absence of sufficient numbers of psychiatrists, especially on neighbor islands, a temporary measure like this one is justified to help Hawai'i residents get the care that they need.

Your Committees have amended this measure by:

- (1) Replacing specifically enumerated penalties for violating procedures and criteria for prescriptive authority with a reference to an existing section of the Hawaii Revised Statutes that provides identical penalties; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 819, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 819, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

#### SCRep. 997 (Joint) Judiciary and Ways and Means on S.B. No. 941

The purpose and intent of this measure is to:

- (1) Require an owner or occupier of agricultural land to notify the Land Use Commission of the agricultural uses for which the land was subdivided;
- (2) Give the Land Use Commission enforcement authority over conditions, restrictions, uses, and subdivision of agricultural land, including the right to enter and inspect lands, issue orders, and impose fines or liens for violations; and
- (3) Appropriate funds.

Your Committees received testimony in support of this measure from the Office of Planning, Land Use Commission, Department of Agriculture, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and three individuals.

Your Committees find that subdivisions of agricultural land and exempted agricultural structures that do not conform to the State's statutory requirements and the counties' zoning ordinances and rules can result in the loss of potentially productive agricultural land for agricultural production to a degree equal to that of urbanization. Your Committees further find that urbanization of agricultural lands requires the compilation and consideration of much more information and follows a very deliberative and discretionary permitting process that is in sharp contrast to the ministerial processes used to review subdivisions of agricultural land. This measure will provide the Land Use Commission with information resources and enforcement powers necessary to ensure that subdivided agricultural land is being used for the purposes for which the subdivision was approved.

Your Committees have amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 941, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 941, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

### SCRep. 998 (Joint) Judiciary and Ways and Means on S.B. No. 1419

The purpose and intent of this measure is to require the University of Hawaii to include all long-term leases the University enters into with the intent to purchase as part of its capital improvement projects budget request.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committees received comments on this measure from the University of Hawai'i System.

Your Committees find that while the University of Hawaii is autonomous in matters related to entering into long-term leases with the intent to purchase, the funds expended by the University and the accompanying contractual obligations associated with these leases are matters of statewide concern. This measure provides greater transparency and oversight for these long-term leases by ensuring that the public and Legislature are more aware of how public funds are being spent.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1419, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 999 (Joint) Judiciary and Ways and Means on S.B. No. 1292

The purpose and intent of this measure is to:

- (1) Amend the definition of "transient accommodations" to include other forms of transient accommodations and other terms that the counties may have defined;
- (2) Make it unlawful for a hosting platform to provide, and collect a fee for, booking services regarding transient accommodations that are not lawfully certified, registered, or permitted under applicable county ordinance;
- (3) Require anonymous, periodic reports by operators and plan managers of transient accommodations listings to the Department of Taxation:
- (4) Enable a transient accommodations broker to register as a tax collection agent with respect to transient accommodations taxes and general excise taxes for its operators and plan managers; and
- (5) Require a transient accommodations broker, platform host, and booking service to remove a transient accommodation advertisement upon notice that the property is not in compliance with state law or county ordinance.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawai'i Tourism Authority, Department of Planning and Permitting of the City and County of Honolulu, Kohala Coast Resort Association, Hawai'i Lodging & Tourism Association, Maui Chamber of Commerce, Outrigger Hospitality Group, Napili Kai Beach Resort, Maui Hotel & Lodging Association, OLS Hotels & Resorts, and four individuals. Your Committees received testimony in opposition to this measure from Airbnb; Kobayashi Sugita & Goda, LLP; and nine individuals. Your Committees received comments on this measure from the Department of Taxation; Department of the Attorney General; Office of Information Practices; Office of the Mayor of the County of Kaua'i; Department of Planning of the County of Kaua'i; Tax Foundation of Hawaii; Aqua-Aston Hospitality, LLC; Hawai'i Association of Realtors; Rental by Owner Awareness Association; Expedia Group; and one individual.

Your Committees find that the transient accommodations tax generates a substantial amount of revenue for the State, but due to the recent proliferation of short-term vacation rentals, increased enforcement efforts are needed to regulate transient accommodations that include traditional accommodations and short-term vacation rentals. This measure improves enforcement of land use regulations relating to transient vacation rentals, while facilitating the collection of tax revenue from transient vacation rentals, which will ensure transparency, enforcement, and accountability among online transient vacation rentals while preserving the quality of life for Hawaii residents and visitors.

Your Committees have amended this measure by:

- (1) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1292, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1292, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

#### SCRep. 1000 (Joint) Judiciary and Ways and Means on S.B. No. 1405

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Include e-liquid and electronic smoking devices containing e-liquid within the definition of "tobacco products", for purposes of the eigarette tax and tobacco tax law;
- (3) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (4) Increase the retail tobacco permit fee for retailers;
- (5) Fund health education and prevention programs regarding the risks and dangers of electronic smoking devices; and
- (6) Repeal various statutory provisions relating to electronic smoking.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of Taxation, Department of Health, Hawaii Primary Care Association, Bridge Club Hawaii, Hawaii Public Health Association, Blue Zones Project, Hawaii COPD Coalition, Hawaiii Public Health Institute, American Cancer Society Cancer Action Network, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaiii, Breathe Aloha Club, American Heart Association, Student Health Advisory Council, and seventy-seven individuals. Your Committees received testimony in opposition to this measure from Irie Hawaii; Black Lava Vape; Hi Lyfe Vaporz, LLC; VapeWithAloha; Tobacco LLC; VOLCANO Fine Electronic Cigarettes; Retail Merchants of Hawaii; Hawaii Smokers Alliance; and forty-eight individuals. Your Committees received comments on this measure from the Tax Foundation of Hawaii.

Your Committees find that electronic smoking devices and "e-liquids" have been gaining popularity amongst smokers due to the availability of varying strengths of nicotine and a wide variety of flavors. Electronic smoking devices and e-liquids are particularly popular with the youth and due to this, the United States Surgeon General has declared that electronic smoking device use among youth is an epidemic in the United States. Your Committees further find that the rate of electronic smoking device usage among the youth in Hawaii is exceptionally high, with 25 percent of high school students being regular users and 42 percent having tried an electronic smoking device. Your Committees believe that this measure will address the high rates of electronic smoking devices being used by the youth in the State, encourage a healthy lifestyle for all, and support tobacco and cancer prevention research in the State.

Your Committees have amended this measure by:

- (1) Inserting an effective date of March 15, 2030, to encourage further discussions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1405, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1405, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

### SCRep. 1001 (Joint) Judiciary and Ways and Means on S.B. No. 1204

The purpose and intent of this measure is to:

- Clarify the eligibility of surviving children to receive benefits under the Employer-Union Health Benefits Trust Fund by amending the definitions of "dependent-beneficiary" and "employee-beneficiary" in chapter 87A, Hawaii Revised Statutes; and
- (2) Update references related to marriage to account for civil unions in interpreting who is a "dependent-beneficiary" and "employee-beneficiary".

Your Committees received testimony in support of this measure from the Employer-Union Health Benefits Trust Fund.

Your Committees find that the Hawaii Employer-Union Health Benefits Trust Fund offers health benefits to dependents of state and county employees and retirees. Your Committees further find that while, under existing law, when an employee or retiree passes away under certain qualifying circumstances, the employee's or retiree's surviving spouse's children that are born after the employee's or retiree's death are eligible to participate in benefit plans offered under the fund. However, children born or legally adopted after the employee's or retiree's death who are not the employee's or retiree's natural or adopted children should not be eligible to participate in fund benefit plans because the child is not the child of the employee or retiree.

Your Committees additionally find that there is inconsistency in the date of termination of coverage between surviving children of employees who are killed in the performance of their duties and surviving children of employees who are eligible for retirement. This measure will clarify these provisions of the Employer-Union Health Benefits Trust Fund chapter of the Hawaii Revised Statutes.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1204, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1204, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 1002 Ways and Means on S.B. No. 510

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Transportation Administration Division.

Your Committee received no written comments on this measure.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Transportation Administration Division from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 510, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

### SCRep. 1003 Ways and Means on S.B. No. 797

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Labor and Industrial Relations.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Labor and Industrial Relations from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018

Your Committee has amended this measure by:

- Specifying that an appropriation for neighbor island staffing and IT support for the Unemployment Insurance Division shall be expended by the Department of Labor and Industrial Relations;
- (2) Changing the program ID associated with an appropriation to be deposited into the labor law enforcement special fund;
- (3) Removing an appropriation out of the boiler and elevator revolving fund;
- (4) Changing the effective date to July 1, 2050; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 797, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 797, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 1004 Ways and Means on S.B. No. 914

The purpose and intent of this measure is to require the Department of Land and Natural Resources to allocate ten percent of the revenues collected from commercial property in the Banyan Drive redevelopment area to the Banyan Drive Hawaii Redevelopment Agency.

This measure also appropriates moneys to the Department of Land and Natural Resources for the Banyan Drive Hawaii Redevelopment Agency to conduct studies for the agency's redevelopment plan for the Banyan Drive redevelopment area.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, ILWU Local 142, and one individual.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure will assist in redeveloping and revitalizing the Banyan Drive peninsula, areas of which are underutilized and in disrepair.

Your Committee has amended this measure by making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 914, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 914, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

### SCRep. 1005 Ways and Means on S.B. No. 923

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Land and Natural Resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Land and Natural Resources from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018

Your Committee has amended this measure by:

- (1) Amending the amounts appropriated or authorized and maximum number of positions authorized for various programs within the Department of Land and Natural Resources;
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 923, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 923, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 1006 (Joint) Ways and Means and Judiciary on S.B. No. 1463

The purpose and intent of this measure is to replace the environmental response, energy, and food security tax on barrels of petroleum products with a carbon emissions tax on all fossil fuels and to repeal the state fuel tax.

Your Committees received written comments in support of this measure from the Hawaii Reef and Ocean Coalition and Blue Planet Foundation.

Your Committees received written comments in opposition to this measure from the Honolulu County Republican Party, Chamber of Commerce Hawaii, and six individuals.

Your Committees received written comments on this measure from the Department of Taxation; Department of Land and Natural Resources; Department of Business, Economic Development, and Tourism; Department of Transportation; University of Hawaii; Tax Foundation of Hawaii; The Nature Conservancy; Environmental Caucus Democratic Party of Hawaii; Sierra Club of Hawaii; Hawaiian Electric Company, Inc.; and Elemental Excelerator.

Your Committees find that establishing a carbon tax on all fossil fuels is consistent with the State's commitment to a decisive transition away from fossil fuels and a timely shift to a clean energy economy powered by one hundred percent renewable energy.

Your Committees, however, note concerns with repealing the so-called "barrel tax," because both the Department of Transportation and Department of Business, Economic Development, and Tourism require a stable source of funding. Further, the repeal of the barrel

tax may negatively affect transportation emissions. Your Committees recognize that eliminating carbon emissions from the transportation sector of the State may prove more difficult than eliminating carbon emissions from electricity production in the State.

Your Committees also note that a carbon tax, as currently drafted in the measure, may produce regressive effects and disproportionately affect low- to moderate-income persons. Accordingly, if a carbon tax is passed, an equity mechanism would be necessary to offset the anticipated price increases that may be incurred by low- to moderate-income households.

Your Committees further note that the Department of Business, Economic Development, and Tourism; Nature Conservancy; Sierra Club; and Hawaiian Electric Company, Inc., have all indicated their preference for a study to determine the most effective means of implementing a carbon tax in Hawaii.

Your Committees have amended this measure by:

- (1) Amending the definition of "unit" to refer to the specific fossil fuels listed in the carbon emission tax provisions;
- (2) Requiring the Department of Business, Economic Development, and Tourism to include in its annual report to the Legislature an analysis of the annual price increase per carbon dioxide equivalent that is necessary for the State to meet its goal of net zero emissions:
- (3) Clarifying that the repeal of the fuel tax credit for commercial fishers shall take effect on January 1, 2051; and
- (4) Changing the effective date of the measure to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1463, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1463, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10; Ayes with Reservations (Moriwaki). Noes, none. Excused, 3 (Inouye, Keith-Agaran, Riviere). Judiciary: Ayes, 5; Ayes with Reservations (Kim, Wakai). Noes, none. Excused, none.

#### SCRep. 1007 Ways and Means on S.B. No. 1515

The purpose and intent of this measure is to expand out-of-school programs for students in kindergarten through twelfth grade.

Specifically, this measure establishes the Hawaii three to six out-of-school program and corresponding special fund to support out-of-school programs, including programs offered by private providers after school hours, during weekends, and during school intersessions

Your Committee received written comments in support of this measure from the Department of Education, Hawaii Youth Services Network, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance and Department of Human Services.

Your Committee finds that funding the Hawaii three to six out-of-school program for all middle schools would cost an estimated \$9,800,000. Funding the program for middle schools where Native Hawaiian students make up more than fifty percent of the student population would cost an estimated \$1,400,000, and funding the program for middle schools where Native Hawaiian students make up more than twenty-five percent of the student population would cost an estimated \$4,400,000.

Your Committee has amended this measure by:

- Clarifying that the establishment of the Hawaii three to six out-of-school program shall not impose liability on the State, its
  employees, or its agents;
- (2) Clarifying the sources from which the Department of Education may seek funding;
- (3) Changing the amounts appropriated from unspecified amounts to \$4,400,000 for each fiscal year of the 2019-2021 fiscal biennium; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1515, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1515, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

### SCRep. 1008 Ways and Means on S.B. No. 1526

The purpose and intent of this measure is to enhance the DOCARE DLNRTip app by appropriating funds for a DOCARE DLNRTip app administrator position, software upgrades, and app enhancements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received comments on this measure from one individual.

Your Committee finds that the DOCARE DLNRTip app is a free, smartphone-based application that members of the public may use to submit anonymous reports to the to the Department of Land and Natural Resources regarding violations on public lands. Your Committee finds that additional funds are necessary to address the application's existing weaknesses so that it may more effectively aid the department's enforcement efforts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1526, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 1009 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 1226

The purpose and intent of this measure is to:

- (1) Require criminal history record checks of adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services;
- (2) Clarify the role and response of the child care licensing program when it receives a report of death or injury of a child in a child care setting;
- (3) Address the release of information pending an investigation; and
- (4) Increase penalties and clarify that the Department of Human Services may take administrative and judicial action to enforce child care licensing requirements.

Your Committees received testimony in support of this measure from the Department of Human Services and two individuals. Your Committees received comments on this measure from the Civil Beat Law Center for the Public Interest.

Your Committees find that it is imperative that children in child care are in a safe setting. Your Committees further find that existing law does not require criminal history record checks from adult relatives who provide care for a child whose family receives a child subsidy from the Department of Human Services. This measure makes criminal history record checks mandatory for potential child care providers and increases penalties for people who engage in illegal child care. This measure will provide the Department of Human Services with more tools to quickly enforce violations, protect children from predators, provide children with safer care, and deter people from engaging in illegal child care.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1226, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1226, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Ruderman).

Judiciary: Ayes, 5. Noes, none. Excused, none.

### SCRep. 1010 Commerce, Consumer Protection, and Health on S.B. No. 341

The purpose and intent of this measure is to make exemptions from the behavior analyst licensing requirements permanent for certain teachers working in direct collaboration with, and direct support workers working under the supervision of, a licensed behavior analyst or licensed psychologist.

Your Committee received testimony in support of this measure from the Department of Education, Hawai'i Psychological Association, Hawaii State Teachers Association, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Alaka'i Na Keiki, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center. Your Committee received comments on this measure from the University of Hawai'i System and Hawai'i Association for Behavior Analysis.

Your Committee finds that many students enrolled in public schools would benefit from the expansion of behavior analysis services throughout Hawaii's public school system. However, under existing law, there is a deadline after which teachers will no longer be allowed to implement these services. This measure ensures that teachers will be able to continue to implement these services in direct collaboration with a licensed behavioral analyst or licensed psychologist.

Your Committee has heard the concerns raised by the Hawai'i Association for Behavior Analysis that this measure may enable a further implementation delay of required licensure for direct support workers. Amendments are therefore necessary to ensure the Department of Education moves forward in implementing licensure for direct support workers who directly implement applied behavior analysis services. Your Committee has additionally heard the testimony from the University of Hawai'i System expressing concern that this measure restricts the practice of certain licensed special education teachers and students seeking licensure that are enrolled in an accredited special education teacher preparation program and may prevent the University of Hawai'i's College of Education from fully implementing its special education teacher preparation program.

Accordingly, your Committee has amended this measure by:

(1) Clarifying that the licensure exemption for credentialed registered behavior technicians applies to those under the direction of a licensed behavior analyst or licensed psychologist;

- (2) Deleting language that exempted from licensure a direct support worker who directly implements an applied behavior analysis program under the supervision of a licensed behavior analyst or licensed psychologist;
- (3) Inserting a licensure exemption for licensed special education teachers with specific training and practice and individuals working toward licensure as special education teachers who are enrolled in a state-approved and nationally-accredited special education teacher preparation program that includes training in behavior analysis assessment and interventions;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 341, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 341, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 1011 (Joint) Judiciary and Commerce, Consumer Protection, and Health on S.B. No. 1340

The purpose and intent of this measure is to require that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within a two-foot sea level rise exposure area, subject to the availability of county maps designating the areas by tax map key.

Your Committees received testimony in support of this measure from the Office of Planning, Environmental Caucus of the Democratic Party of Hawai'i, Hawai'i Reef and Ocean Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, and three individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committees received comments on this measure from the Department of Land and Natural Resources and Building Industry Association of Hawaii.

Your Committees find that Act 32, Session Laws of Hawaii 2017, established the Hawaii Climate Change Mitigation and Adaptation Commission and directed the Commission to, as a first step, focus on and develop sea level rise vulnerability and adaptation reports. Your Committees further find that the Commission's report has identified areas that are susceptible to sea level rise impacts based on a 3.2-foot increase in sea level projected to occur by mid-century or earlier. Your Committees additionally find that chapter 508D, Hawaii Revised Statutes, requires a written disclosure statement prepared by the seller, or at the seller's discretion, that purports to fully and accurately disclose all material facts relating to residential real property being offered for sale. Your Committees also find that the value of property lying within the boundaries of a sea level rise exposure area is likely to be affected over time, which is a material fact that should be included in mandatory seller disclosure statements in real property transactions.

Your Committees have amended this measure by requiring disclosure when property lies within the sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission even if the property is outside of the two-foot sea level rise exposure area.

As affirmed by the records of votes of the members of your Committees on Judiciary and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1340, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1340, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Ruderman).

## SCRep. 1012 Judiciary on S.B. No. 1521

The purpose and intent of this measure is to:

- Establish requirements for pharmacy benefit managers and maximum allowable cost, including the ability of pharmacies to receive comprehensive maximum allowable cost lists and bring complaints within the purview of the department of commerce and consumer affairs, rather than the department of health;
- (2) Require pharmacy benefit managers to disclose where an equivalent drug can be obtained at or below the maximum allowable cost when a maximum allowable cost is upheld on appeal and allow contracting pharmacies to reverse and rebill claims if the pharmacy benefit manager establishes a maximum allowable cost that is denied on appeal and pay the difference to the contracting pharmacies; and
- (3) Clarify the available penalties for violations of maximum allowable cost requirements.

Your Committee received testimony in support of this measure from The Queen's Health Systems and Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committee received testimony in opposition to this measure from Hawaii Medical Service Association, CVS Health, and Cigna. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Department of the Attorney General.

Your Committee finds that although Hawaii has an existing pharmacy benefit manager transparency law, the law lacks an appropriate enforcement mechanism or incentive for pharmacy benefit managers to comply with disclosure of maximum allowable cost lists. Your Committee further finds that strengthening the ability of pharmacies to receive timely maximum allowable cost lists, establishing a complaints process for violations, and clarifying penalties will encourage transparency amongst pharmacy benefit managers while protecting the State's independent pharmacies and consumers.

Your Committee notes the concerns raised by testifiers on this measure, including the potential for dramatic increases in the number of annual prescription drug claims as well as conflict between the requirements under this measure with previously negotiated industry standard methods of determining the fair prices of generic drugs. Your Committee finds that these concerns have merit and deserve substantive discussion to resolve the issues as this measure continues through the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1521, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 1013 Judiciary on S.B. No. 1495

The purpose and intent of this measure is to:

- (1) Provide that where a quiet title action involves kuleana land, at the request of any defendant at the time the action was brought, the court shall order mandatory mediation with a goal of resolving the dispute and consolidating separate actions commenced by the same plaintiff or multiple plaintiffs for the same real property in interests; and
- (2) Require the plaintiff in a quiet title action involving kuleana land to bear the costs of required mediation and only recover certain costs, expenses, or attorney's fees as the court may deem equitable.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; We Are One, Inc.; Ka Lāhui Hawai'i Political Action Committee; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and nine individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that although quiet title actions have historically been a beneficial legal tool for native Hawaiian kuleana awardees to resist adverse possession claims made by large agricultural landowners, the current framework of quiet title action leaves kuleana land owners vulnerable to dispossession through complex and cost-prohibitive legal processes. However, your Committee further finds that mandatory mediation at the request of any defendant may not be the best solution. Your Committee additionally finds that authorizing the Office of Hawaiian Affairs to intervene in actions to quiet title at the discretion of and upon official action by the Board of Trustees will mitigate the financial and legal hardships sometimes faced by kuleana land owners in actions to quiet title brought by large single plaintiffs. Your Committee notes that this measure is a work in progress, and encourages further discussion and refinement as it continues through the legislative process.

Accordingly, your Committee has amended this measure by:

- (1) Removing the requirement that the court order mandatory mediation at the request of any defendant in a quiet title action involving kuleana lands and the requirement that the plaintiff bear the costs of required mediation;
- (2) Authorizing the Office of Hawaiian Affairs to intervene upon official action of the Board of Trustees in any action to quiet title in which any portion of the land claimed by the plaintiff is kuleana land;
- (3) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1495, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1495, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1014 Judiciary on S.B. No. 331

The purpose and intent of this measure is to:

- (1) Permanently require certain motion picture theater owners and operators to provide open movie captioning for at least two showings per week, with at least one screening on a Saturday or Sunday; and
- (2) Repeal the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

Your Committee received testimony in support of this measure from the Office of Language Access, Disability and Communication Access Board, Hawai'i Civil Rights Commission, Aloha State Association of the Deaf, Special Education Advisory Council, Hawaii Coalition for Children with Disabilities, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and eight individuals.

Your Committee finds that Hawaii has been a pioneer in public policy regarding access of movie entertainment for the deaf and/or hard-of-hearing community. Act 39, Session Laws of Hawaii 2015, required movie theater operators to provide closed captioning showings at least twice a week. The closed captioning requirement supplemented the federal Americans with Disabilities Act requirement to provide an assistive technology option. However, the State's closed captioning requirement was lessened in 2017 by allowing movie theaters the option of offering a personal closed captioning system in lieu of offering showings with open movie captioning, depriving the deaf and/or hard-of-hearing community as well as other movie goers who may benefit from closed captioning of a tremendous benefit.

Your Committee further finds that although some movie theaters provide open movie captioning screenings, those screenings often occur during weekdays when many members of the deaf and/or hard-of-hearing community are working or attending school.

Additionally, the personal closed captioning systems are unreliable and uncomfortable to wear, especially with eyeglasses. This measure ensures that Hawaii continues to support full access for persons with disabilities through meaningful accessibility requirements for movie theaters.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 331 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1015 Judiciary on S.B. No. 1348

The purpose and intent of this measure is to clarify the intent of the Small Business Regulatory Review Board's powers when reviewing state and county administrative rules that impact small business.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Small Business Regulatory Review Board; Chamber of Commerce Hawaii; Maui Chamber of Commerce; and Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Farm Bureau.

Your Committee finds that the Small Business Regulatory Review Board plays an important role in protecting small businesses in Hawaii and ensuring that state agency rules that could impact small businesses are consistent with state law and county ordinances. Your Committee further finds that it is important that the Board's purview is clearly understood by the small business community, state and county agencies, Hawaii business chambers, and trade organizations. This measure will clarify the Board's powers to avoid any potential misinterpretation.

Your Committee has amended this measure by:

- (1) Clarifying that the Small Business Regulatory Review Board may consider requests from small business owners to review any proposal for a new rule, proposal to amend a rule, or existing rule by a state agency; and
- (2) Authorizing the Board to make recommendations to a county council or the mayor for requests regarding county ordinances or rules.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1348, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1348, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1016 Judiciary on S.B. No. 1046

The purpose and intent of this measure is to:

- (1) Allow an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee's minor child;
- Require an employee to submit certification related to domestic or sexual violence of the employee or the employee's minor child; and
- (3) Require employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Office of Hawaiian Affairs, Parents and Children Together, Hawaii Children's Action Network, and four individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that victims of domestic or sexual violence often need to take extensive leave from their employment to attend to various health or legal matters. Your Committee further finds that addressing such matters should not pose a risk to the employee's personal health and well-being, financial security, or safety due to a fear of adverse consequences from an employer. Your Committee additionally finds that the existing state law requires that employees who are victims of domestic or sexual violence exhaust all other paid and unpaid leave accrued for the calendar year before victim leave may be applied, leaving little to no sick leave available for the rest of the calendar year. This measure will allow employees to take family leave in addition to victim leave to seek safety, treatment, or recovery in cases of domestic or sexual violence.

Your Committee has amended this measure by:

- (1) Clarifying the certification requirements for family leave taken for the purpose of seeking safety, medical attention, or victim services related to domestic or sexual violence; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1046, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1046, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1017 Judiciary on S.B. No. 1244

The purpose and intent of this measure is to clarify that liability for illegally selling tobacco products and electronic smoking devices to persons under twenty-one years of age is borne by the retail entity, entity that holds a retail tobacco permit, or entity registered to sell electronic smoking devices, as opposed to an employee.

Your Committee received testimony in support of this measure from the Department of Health, Blue Zones Project-Hawaii, Hawaii COPD Coalition, Coalition for a Tobacco-Free Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawai'i, Hawaii Smokers Alliance, and eleven individuals.

Your Committee finds that under existing law, any person who sells tobacco products or electronic smoking devices to persons under twenty-one years of age in violation of section 712-1258, Hawaii Revised Statutes, shall be fined. Currently, it is unclear whether the retailer, tobacco product permittee, electronic smoking device registration holder, or the employee who unlawfully sold the tobacco products and electronic smoking devices is responsible for the fine. Your Committee further finds that making retailers, tobacco product permittees, and electronic smoking device registration holders liable for the actions of their employees in conducting unlawful sales to minors provides an incentive for retailers, tobacco product permittees, and electronic smoking device registration holders to comply with tobacco sales laws. This measure clarifies that penalties shall not be imposed on employees but on retailers, tobacco product permittees, and electronic smoking device registration holders as they are best placed to ensure that Hawaii's tobacco sales are being upheld at the point of sale.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1244, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1244, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1018 Judiciary on S.B. No. 464

The purpose and intent of this measure is to:

- (1) Authorize a property owner or agent to enter adjacent vacant property with albizia trees under certain conditions, including consulting with a tree arborist and providing written notice, to control albizia trees before they become hazardous; and
- (2) Provide a defense to criminal prosecution for trespass.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, County of Hawai'i Office of the Mayor, Hoalike Farm, Hawaiian Electric Companies, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that albizia trees are an invasive species and a hazard to public safety and critical infrastructure. Albizia trees can grow up to two hundred fifty feet tall and grow on many public and private properties. In 2014, Tropical Storm Iselle brought down many albizia trees, blocked roadways, and caused millions of dollars in damage to homes and electric utility lines.

Your Committee further finds that there are many landowners that either refuse or fail to respond to repeated notices to control invasive species on their property. This measure provides a way for neighbors to control adjacent albizia trees to prevent or address hazardous conditions.

Your Committee has amended this measure, upon the recommendation of the Department of Land and Natural Resources, by replacing the term "eradicate" with "control" throughout the measure to clarify that the measure relates to the removal of albizia trees within certain property boundaries rather than to a statewide, total removal of the trees.

Your Committee notes that it is your Committee's intent that common law negligence liability apply to the removal of albizia trees pursuant to this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 464, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 464, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1019 Judiciary on S.B. No. 947

The purpose and intent of this measure is to prohibit the disability of a parent or caregiver from being the sole factor in determining fitness as a foster parent, adoptive parent, guardian, parent seeking custody or visitation, or provider of a safe family home.

Your Committee received testimony in support of this measure from Disability and Communication Access Board, Americans for Democratic Action, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the court makes a decision regarding the custody, visitation, adoption, or guardianship of children based on the welfare and best interests of the child. However, in making that determination, the disability of a parent or guardian should not be the basis for denial or restriction of custody, visitation, adoption, or guardianship of children. This measure expressly prohibits the disability of a parent or guardian from being the sole factor in determining fitness.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 947, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1020 Judiciary on S.B. No. 621

The purpose and intent of this measure is to require the reporting of lost, stolen, or destroyed firearms to county police and establish penalties for failure to report.

Your Committee received testimony in support of this measure from the County of Hawai'i Mayor's Office and three individuals. Your Committee received testimony in opposition to this measure from the Institute for Rational and Evidence-based Legislation, Rook Customs, Hawaii Firearms Coalition, Hawaii Rifle Association, National Rifle Association of America, and 377 individuals. Your Committee received comments on this measure from two individuals.

Your Committee finds that Hawaii's penal code does not adequately address the reporting of lost, stolen, or destroyed firearms. Permits to acquire and registration of firearms are required in the State to ensure that firearms do not become available to those who have been disqualified from owning a firearm, such as felons, the seriously mentally ill, and children.

Your Committee further finds that keeping firearms in the hands of authorized owners is vital to Hawaii's public safety. Your Committee believes that if lost, stolen, and destroyed firearms are properly reported, law enforcement officers can enter this information into the appropriate national and local databases to assist in firearm ownership and possession cases and, ultimately, to enhance public and police officer safety.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 621, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Wakai). Noes, none. Excused, 1 (Fevella).

### SCRep. 1021 Judiciary on S.B. No. 335

The purpose and intent of this measure is to ensure equal access for persons with disabilities to notices of public meetings.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Affirmative Action Committee of the Oahu County Committee, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Office of Information Practices and Hawai'i Civil Rights Commission.

Your Committee finds that all community members, including persons with disabilities, should have equal access to open government meetings and forums. Your Committee also finds that under Hawaii's existing sunshine law, individuals can request mailed hard copies of meeting notices, but this method does not provide the same access and rights as that of individuals who can access meeting notices electronically. This measure takes steps to ensure persons with disabilities have equal access to hard copies of public meeting notices, either by request through the mail or through postings at the Office of the Lieutenant Governor or the office of the appropriate board or commission. By refining the sunshine law and mandating more stringent requirements for public meeting notices, all community members, including persons with disabilities, should have equal access to public meetings and the ability for equal participation in the governmental process that influences decisions shaping the quality of life for all residents in Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 335, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 335, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1022 Commerce, Consumer Protection, and Health on S.B. No. 739

The purpose and intent of this measure is to require employers of fifty persons or more who provide a parking subsidy to employees to offer a parking cash-out program.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Ulupono Initiative, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Health and The Queen's Health Systems. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that ground transportation alone uses approximately one-third of the State's imported fossil fuels. To reduce imported fossil fuel usage, employees should be encouraged to drive less and use alternative forms of transportation, such as walking, bicycling, bus, rail, or carpooling. A parking cash-out program may help provide incentives for other forms of transportation. Your Committee further finds that parking cash-out is a requirement in California for certain employers, and studies have shown a ten to twelve percent decrease in drive-alone commute trips and related vehicle-miles traveled. Other results from California include curtailing air pollution and greenhouse gas emissions, fewer crashes, and livability enhancements.

Your Committee notes the concerns raised in testimony that this measure may be more appropriately placed in a different chapter of the Hawaii Revised Statutes, does not provide funding or personnel to carry out the requirements, and does not provide a department

under which the program will be implemented. Your Committee therefore finds that, due to concerns associated with the immediate implementation of a parking cash-out program, a working group is a more appropriate option at this time.

Accordingly, your Committee has amended this measure by deleting its contents and replacing them with language establishing a parking cash-out working group that shall:

- (1) Research and explore the idea of a parking cash-out program that would enable businesses and employers to offer cash allowances instead of parking subsidies to provide incentives for other forms of transportation that are less dependent on fossil fuels:
- (2) Address and make recommendations on the program's benefits, approximate cost and other impacts, and the most appropriate department to administer, implement, and enforce the program;
- (3) Consider other programs, such as carbon pricing mechanisms that minimize regressivity, equity-based tax credits or carbon fee and dividends, and whether a pilot program or other method would be better suited to accomplish the goals and implementation of the parking cash-out or similar program;
- (4) Report its findings to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020; and
- (5) Dissolve on June 30, 2020.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 739, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 739, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman).

### SCRep. 1023 Judiciary on S.B. No. 642

The purpose and intent of this measure is to:

- (1) Insert article thirteen of the United Nations Declaration on the Rights of Indigenous Peoples into the Hawaii Revised Statutes;
- (2) Require that Hawaiian be used for public acts and transactions;
- (3) Direct the Office of Language Access to provide services to Hawaiian language speakers;
- (4) Require the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English;
- (5) Require that 'okina and kahakō be used, when appropriate, in documents prepared by or for state or county agencies or officials, with certain exceptions; and
- (6) Amend existing law so that any rule, order, policy, or other act, official or otherwise, that prohibits or discourages the use of 'okina and kahakō, except those specifically designed for the benefit of native speakers of Hawaiian, shall be void.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Maunakea Observatories, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Kamehameha Schools, and two individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies, petitions containing over two hundred signatures, and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that article XV, section 4, of the Constitution of the State of Hawai'i establishes Hawaiian as an official language of the State. Your Committee further finds that, at the Hawai'i State Constitutional Convention in 1978, the Committee on Hawaiian Affairs proposed that amendment in the state constitution "in order to give full recognition and honor to the rich cultural inheritance that Hawaiians have given to all ethnic groups of this State."

Your Committee additionally finds that in 2007, the United Nations adopted the United Nations Declaration on the Rights of Indigenous Peoples and that in 2011, the United States became a signatory on the Declaration. This measure will promote the use of the Hawaiian language and encourage the State of Hawaiii to put Hawaiian language on the same level as English, as well as codify article thirteen of the United Nation's Declaration on the Rights of Indigenous Peoples.

Your Committee has amended this measure by:

- (1) Clarifying that the Legislature acknowledges rather than asserts the rights of Native Hawaiians; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 642, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 642, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 1024 Ways and Means on S.B. No. 84

The purpose and intent of this measure is to appropriate funds for a Board of Education Analyst II position.

Your Committee received written comments in support of this measure from the Board of Education and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that appropriating funds for a Board of Education Analyst II position to perform evaluative work and data analysis will help to support the Board of Education in meeting its current and planned duties and initiatives, which have expanded over the past several years.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 84, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 84, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1025 Ways and Means on S.B. No. 281

The purpose and intent of this measure is to appropriate funds to the Department of Health.

No written comments were received on this measure.

Your Committee notes that Governor's Message No. 6 requests a total of \$14,254,411 for fiscal year 2019-2020 and \$18,682,998 for fiscal year 2020-2021 to cover various costs to maintain the current level of pre-hospital emergency medical services.

Your Committee has amended this measure by replacing its contents with appropriations for each year of the fiscal biennium 2019-2021 to maintain the current level of pre-hospital emergency medical services.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 281, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 281, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1026 Ways and Means on S.B. No. 371

The purpose and intent of this measure is to provide parameters and funding to the Department of Education for the establishment and implementation of a workforce development program within the Department of Education.

Your Committee received written comments in support of this measure from the Department of Education McKinley Community School for Adults, Department of Labor and Industrial Relations, Hawaii State Teachers Association, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Education, Workforce Development Council, and Executive Office on Early Learning.

Your Committee finds that this measure will align educational curriculum with workforce readiness by allowing students in the State to earn a high school diploma concurrently with an industry-recognized associate degree and pre-apprenticeship certificates or other industry-recognized certificates.

Your Committee notes that the estimated costs related to this measure include:

- (1) \$194,404 for two full-time equivalent (2.0 FTE) Educational Specialist II positions in fiscal years 2019-2020 and 2020-2021;
- $(2) \quad \$332,\!094 \ for \ seven \ full-time \ equivalent \ (7.0 \ FTE) \ District \ Office \ Teacher \ positions \ in \ fiscal \ year \ 2020-2021;$
- (3) \$250,000 for initial startup costs in fiscal year 2019-2020; and
- (4) \$500,000 for operational costs in fiscal year 2020-2021.

Your Committee has amended this measure by:

- Clarifying that the schools designated by the Department of Education to participate in the program shall include community schools for adults;
- (2) Specifying that the sum appropriated shall be expended, in part, to fund two full-time equivalent (2.0 FTE) educational specialist II positions and seven full-time equivalent (7.0 FTE) district office teacher positions; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 371, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 371, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Riviere).

### SCRep. 1027 Ways and Means on S.B. No. 467

The purpose and intent of this measure is to appropriate funds to restore diagnostic, preventative, and restorative dental benefits to adult Medicaid enrollees.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities; Disability and Communication Access Board; Healthcare Association of Hawaii; Catholic Charities Hawaii; Lanai Community Health Center; Oral Health for All Hawaii; We Are One, Inc.; Hawaii State Rural Health Association; Hawaii Self Advocates Advisory Council; Hawaii Dental Hygienists Association; Save Medicaid Hawaii; Hoola Lahui Hawaii; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; The Queen's Health Systems; Ohana Health Plan; AlohaCare; Kokua Kalihi Valley Community Health Center; Hawaii Dental Association; Hawaii Public Health Institute; and numerous individuals.

Your Committee received written comments on this measure from the Department of Human Services and Hawaii Primary Care Association.

Your Committee finds that poor oral health is linked to many serious and chronic conditions, including heart disease, diabetes, strokes, depression, low birth weight, and premature birth. Your Committee notes that, without coverage for routine dental care, many Medicaid recipients seek emergency care for preventable oral health problems. Your Committee finds that restoring adult dental benefits would allow approximately one hundred eighty thousand Medicaid recipients in the State to maintain their health through early detection and treatment of dental conditions and oral diseases.

Your Committee has amended this measure by:

- (1) Changing the appropriation from an unspecified amount to \$100,000 for each fiscal year in the 2019-2021 fiscal biennium;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 467, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 467, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 1028 Ways and Means on S.B. No. 474

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Human Services.

Your Committee received written comments in support of this measure from the Department of Human Services, Department of Transportation, and Hawaii Kai Homeless Task Force.

Your Committee received written comments on this measure from Hawaii Primary Care Association.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Human Services from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Changing all appropriation amounts to unspecified sums;
- (2) Adding a severability clause;
- (3) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (4) Removing a duplicative provision providing that the Department of Human Services is the responsible expending agency for the appropriations made in the measure;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 474, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 474, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1029 Ways and Means on S.B. No. 526

The purpose and intent of this measure is to appropriate funds to the Department of Human Services to purchase, staff, and operate two mobile clinics to serve homeless people.

The measure also requires the Department of Human Services to obtain matching funds and allocates one mobile clinic to the County of Hawaii.

Your Committee received written comments in support of this measure from the Mayor of the County of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Psychological Association, and three individuals.

Your Committee received written comments on this measure from the Department of Human Services and Governor's Coordinator on Homelessness.

Your Committee finds that, without access to routine health care, many homeless individuals seek treatment at hospital emergency rooms for a variety of physical and mental conditions. These visits cost the State's hospitals millions of dollars annually in uncompensated billing. Your Committee recognizes that other states that use mobile clinics have seen significant cost savings when compared to emergency room visits. One estimate found that every dollar spent on mobile clinics saved twelve dollars in other health care costs.

Your Committee has amended this measure by:

- (1) Changing the appropriation from an unspecified amount to \$400,000 for each fiscal year in the 2019-2021 fiscal biennium;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 526, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 526, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 1030 Ways and Means on S.B. No. 798

The purpose and intent of this measure is to appropriate moneys to the Department of Land and Natural Resources to digitize the State Historic Preservation Division's records, files, and other materials.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Land Use Research Foundation of Hawaii.

Your Committee finds that appropriating moneys for the State Historic Preservation Division's digitization efforts will help the division improve its status as a recipient of federal funds so that it is no longer considered "high risk."

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 798, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 798, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1031 Ways and Means on S.B. No. 812

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Commerce and Consumer Affairs.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs and Public Utilities Commission.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Commerce and Consumer Affairs from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Changing all appropriation amounts to unspecified sums;
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 812, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 812, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1032 Ways and Means on S.B. No. 924

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Land and Natural Resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Kahoolawe Island Reserve Commission, Big Island Invasive Species Committee, and The Nature Conservancy.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Land and Natural Resources from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Changing all appropriation amounts to unspecified sums;
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 924, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 924, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1033 Ways and Means on S.B. No. 983

The purpose and intent of this measure is to update and expand the Department of Education's existing professional certification incentive program.

Specifically, this measure:

- (1) Renames the Department of Education's Teacher National Board Certification Incentive Program as the National Certification Incentive Program;
- Expands and clarifies the requirements of the teacher national board certification incentive program to include school psychologists;
- (3) Specifies that teacher incentives, bonuses, and compensation beyond regular wages are excluded from public charter schools' per-pupil base requests; and
- (4) Appropriates funds for certain bonuses for public school teachers, public charter school teachers, and school psychologists.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association, Hawaii Association of School Psychologists, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and seven individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure, by expanding certification incentives to include school psychologists and supporting certain bonuses to certain deserving education professionals, incentivizes professional excellence, rewards quality educators, and will positively influence school psychologist recruitment efforts in the State.

Your Committee has amended this measure by:

- (1) Inserting \$1,666,434 as the amount to be appropriated for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 983, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 983, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1034 Judiciary on S.B. No. 898

The purpose and intent of this measure is to specify the data requirements in order for the Bureau of Conveyances to record deregistered lands, including a requirement that the registered owner of the lands sought to be deregistered shall provide a plan of the parcel or parcels that includes a map and description prepared by a licensed professional surveyor.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Land Surveyors Association, and five individuals. Your Committee received testimony in opposition to this measure from the American Resort Development Association Hawaii.

Your Committee finds that existing Land Court deregistration laws do not ensure that land owners who voluntarily deregister their property from the Land Court registration system are in possession of a proper map and legal description of their land to replace those

that become inaccurate and inapplicable after deregistration. This measure amends the existing laws to ensure that the original status of deregistered lands is clearly identified and the proper description of the land is recorded with the Bureau of Conveyances.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 898, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 1035 (Joint) Judiciary and Ways and Means on S.B. No. 1033

The purpose and intent of this measure is to:

- (1) Establish licensure of midwives;
- (2) Exempt Native Hawaiian healers from licensure requirements;
- (3) Require registration for current practicing midwives by January 1, 2024;
- (4) Provide provisional licensure until full licensure can be obtained; and
- (5) Appropriate funds from the compliance resolution fund.

Your Committees received testimony in support of this measure from Breastfeeding Hawaii, Midwives Alliance of Hawaii, Committee of Midwife Advocates for Certified Midwives of the American College of Nurse-Midwives, AAUW of Hawaii, Hawaii Maternal and Infant Health Collaborative, Hawaii Chapter of American Academy of Pediatrics, and twenty-five individuals. Your Committees received testimony in opposition to this measure from Wearing and Caring, LLC; Kona Coast La Leche League; UpCountry Doctor; Gentle Beginnings Midwifery; Hoʻopae Pono Peace Project; Hale Hoʻolana; Aoki Birthing Care; Hawaii Home Birth Collective; Sacred Healing Arts, LLC; Hawaii Holistic Midwifery; Hawaii Midwifery Council; Bia Don Dia Postpartum Services; and two hundred five individuals. Your Committees received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Department of Commerce and Consumer Affairs, Kapiolani Medical Center, Hawaii Section of the American College of Obstetricians and Gynecologists, Hawaii Affiliate of the American College of Nurse Midwives, Hawaii Pacific Health, Papa Ola Lokahi, and five individuals.

Your Committees find that midwives were regulated in Hawaii from the 1930's until 1998. Your Committees further find that there is growing public concern over non-credentialed and uncertified individuals who promote themselves as midwives and who have been allowed to market and provide midwifery services as a business. Your Committees additionally find that the Auditor has already conducted a sunrise analysis for the licensure of midwives, and noted in Report No. 17-01 that "given our determination that the nature of the services provided by midwives may endanger the public's health and safety, we conclude that the Hawaii Regulatory Licensing Act mandates that the profession of midwifery be regulated."

Your Committees have amended this measure by:

- (1) Prohibiting traditional midwives from advertising;
- (2) Providing penalties for violation of registration and licensure requirements; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1033, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1033, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5; Ayes with Reservations (Gabbard). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Harimoto, Moriwaki, Shimabukuro). Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 1036 (Joint) Judiciary and Ways and Means on S.B. No. 227

The purpose and intent of this measure is to make an appropriation to the Department of Human Services to contract with non-profit providers to provide access to legal counsel to immigrants in immigration proceedings.

Your Committees received testimony in support of this measure from the Filipina Advocacy Network, Hawai'i J-20+, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and six individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that there are many immigrants who seek to continue legal residence or obtain legal status in the country. However, immigrants are not provided with court-appointed counsel, including those detained and facing deportation. Many immigrants lack the resources to obtain legal representation. Therefore, immigrants who have limited English proficiency and limited understanding of the complex immigration court system, including children, are forced to argue their cases in court without legal representation. The lack of counsel may have a profound impact on immigrants' ability to receive a fair hearing.

Your Committees further find that Hawaii has a tradition of welcoming immigrants. The State's economics are driven by immigrants and immigrants make major contributions to Hawaii. Immigrants are an integral part of Hawaii's diverse, multicultural community.

Your Committees note that given the current political climate and the number of immigrants being detained and faced with deportation, immigrants are in dire need of legal help. Therefore, there are vital public policy reasons behind providing legal representation to immigrants in immigration proceedings.

Your Committees have amended this measure by:

- (1) Making technical, nonsubstantive amendments for the purposes of clarity and consistency; and
- (2) Inserting an effective date of March 15, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 227, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 227, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

### SCRep. 1037 (Joint) Judiciary and Ways and Means on S.B. No. 554

The purpose and intent of this measure is to:

- Add a minimum penalty of \$50 per violation to the state water code and make each day that a violation exists or continues a separate offense; and
- (2) Require the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Oʻahu County Committees on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committees received testimony in opposition to this measure from the Department of Agriculture.

Your Committees find that the Legislature adopted the state water code in 1987 to protect the water resources of the State of Hawai'i. Your Committees further find that the water code's penalties and fines must be strengthened to deter violators because current fines and penalties appear to be too low to act as an effective deterrent. Your Committees additionally find that current language of the state water code may limit the Commission on Water Resource Management's ability to impose daily fines for unpermitted activities, and that this issue has recently come up before the Commission. This measure will clarify and strengthen the state water code and facilitate enforcement activities by the Commission.

Your Committees have amended this measure by:

- (1) Reinserting language that requires the Commission on Water Resource Management to assess a fine for a continuing violation from the earliest known date of the violation and to determine the earliest known date of continuing violation by a preponderance of the evidence; and
- (2) Making technical, substantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 554, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 554, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

### SCRep. 1038 (Joint) Judiciary and Commerce, Consumer Protection, and Health on S.B. No. 1339

The purpose and intent of this measure is to require a vulnerable coastal property purchaser statement with the sale or transfer of vulnerable coastal real property.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Planning, Environmental Caucus of the Democratic Party of Hawai'i, Hawai'i Reef and Ocean Coalition, Sierra Club of Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committees received comments on this measure from the Building Industry Association of Hawaii.

Your Committees find that when the shoreline migrates landward, or mauka, due to erosion or sea level rise, the dividing line between public and private ownership also migrates mauka, with a reduction in the area under private ownership. Your Committees further find that obtaining a permit to repair or install shoreline protection structures such as seawalls, revetments, geotextile sandbags, or groins may be difficult due to federal and state coastal management policies, which protect coastal natural resources and shoreline public access, and discourage coastal hardening. This measure will ensure that new property owners understand the risks posed by sea level rise and other special hazards, permitting requirements, and limitations that may affect vulnerable coastal property by requiring a vulnerable coastal property purchaser statement with the sale or transfer of vulnerable coastal real property.

Your Committees have amended this measure by linking the definition of "vulnerable coastal property" directly to the sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission rather than limit it to real property within a two-foot sea level rise exposure area.

As affirmed by the records of votes of the members of your Committees on Judiciary and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1339, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1339, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Ruderman).

#### SCRep. 1039 Judiciary on S.B. No. 1451

The purpose and intent of this measure is to repeal President's Day as a state holiday and establish Lā Kū'oko'a, Hawaiian Recognition Day, as an official state holiday.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Association of Hawaiian Civic Clubs, Prince Kūhiō Hawaiian Civic Club, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, INPEACE, Bishop Museum, Papa Ola Lōkahi, Kamehameha Schools, and two individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Office of the Mayor of the County of Hawai'i and one individual.

Your Committee finds that the first official celebration of Hawaiian Recognition Day, Lā Kū'oko'a, was in 1847 to recognize and celebrate the anniversary of Hawai'i's welcome into the family of nations. Lā Kū'oko'a was celebrated for decades and was among the codified list of national holidays enacted by the Republic of Hawai'i in 1896. Your Committee further finds that establishing Lā Kū'oko'a as an official holiday restores important connections to Hawai'i's rich cultural and political heritage and is a means to honor and learn from Hawai'i's socially progressive history.

Your Committee has amended this measure by:

- (1) Repealing Good Friday, instead of President's Day, as a state holiday; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1451, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1451, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 1040 Judiciary on S.B. No. 1082

The purpose and intent of this measure is to make general contractors entering into or under contracts in Hawaii for work on buildings or structures liable for debt incurred by subcontractors for wages due to claimants for performance of labor in the contract between the general contractor and owner.

Your Committee received testimony in support of this measure from Pacific Resource Partnership, Hawaii Regional Council of Carpenters, and Hawaii Construction Alliance. Your Committee received testimony in opposition to this measure from the Subcontractors Association of Hawaii. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that under existing law, general contractors are not held liable for the unfair labor practices of their subcontractors, including the nonpayment of wages. As a result, employees of subcontractors are, in certain instances, not being adequately compensated for work they provide. This measure will allow general contractors to require their subcontractors to furnish payroll records and other relevant documents upon request so that general contractors can ensure that the subcontractors' employees are being properly paid, allow general contractors to withhold any future payments to their subcontractors unless the requested information is provided, and hold general contractors liable if their subcontractors do fail to properly pay their employees. This will ensure that general contractors take precautions in hiring and monitoring their subcontractors if they want to avoid being liable for their subcontractors' debts and will help protect the workers from unfair labor practices.

Your Committee has amended this measure by inserting an effective date of March 15, 2094, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1082, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1082, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1041 Ways and Means on S.B. No. 696

The purpose and intent of this measure is to address the deleterious impact of cesspools in the State.

Specifically, this measure:

- (1) Extends certain deadlines applicable to the cesspool conversion working group; and
- (2) Appropriates moneys for fiscal year 2020-2021 for:
  - (A) A comprehensive statewide study of sewage contamination in nearshore marine areas; and

(B) The Department of Health to conduct research on issues identified by the cesspool conversion working group in completing its comprehensive cesspool conversion plan.

Your Committee received written comments in support of this measure from the Department of Health, University of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee finds that although the Cesspool Conversion Working Group was established in 2018 and has been making attempts to reach its objectives, the group needs additional time and resources to reach its goals.

Your Committee also finds that for fiscal year 2020-2021, appropriations of \$500,000 for a statewide study of sewage contamination in nearshore marine areas and \$1,000,000 for completing the comprehensive cesspool conversion plan would be necessary for the purposes of this measure.

Your Committee has amended this measure by changing:

- (1) Both of its appropriations to unspecified amounts and changing their effective dates to July 1, 2051; and
- (2) The effective date of the remaining provisions of the measure to July 1, 2050,

to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 696, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 696, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

### SCRep. 1042 Ways and Means on S.B. No. 752

The purpose and intent of this measure is to appropriate funds for research on and prevention of pathogens affecting ornamental ginger growth and production in the State.

Your Committee received written comments in support of this measure from the Department of Agriculture, University of Hawaii, Maui County Farm Bureau, Hawaii Floriculture and Nursery Association, Land Use Research Foundation of Hawaii, Hawaii Crop Improvement Association, and four individuals.

Your Committee finds that this measure will fund diagnostic testing and a statewide survey to identify the primary cause of the decline of ornamental ginger in Hawaii. Your Committee further finds that these efforts offer a targeted and effective approach to addressing this agricultural, economic, and biosecurity issue.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 752, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 752, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1043 Ways and Means on S.B. No. 753

The purpose and intent of this measure is to appropriate funds for the Department of Agriculture to revitalize and expand the aquaculture development program.

Your Committee received written comments in support of this measure from the Department of Agriculture, the Hawaii Farm Bureau, the Hawaii Crop Improvement Association, the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, the Land Use Research Foundation of Hawaii, Kulahaven Farms, the Hawaii Aquaculture and Aquaponics Association, and two individuals.

Your Committee finds that the aquaculture development program will help to sustain farms, promote local food production, and achieve the State's food sustainability goals.

Your Committee notes that an appropriation of \$500,000 for each year of the fiscal biennium 2019-2021 is necessary to achieve the intent of this measure.

Your Committee has amended this measure by:

- (1) Changing the appropriation of \$500,000 in fiscal years 2019-2020 and 2020-2021 to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 753, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 753, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

### SCRep. 1044 Ways and Means on S.B. No. 760

The purpose and intent of this measure is to include certain expenditures for the clearing and removal of trees and debris and soil restoration among the qualifying agricultural costs for which a taxpayer may receive the important agricultural land qualified agricultural cost tax credit.

Your Committee received written comments in support of this measure from the Department of Agriculture; Hawaii Farm Bureau; Hawaii Cattlemen's Council; Kahuku Farmers, Inc.; and one individual.

Your Committee received written comments on this measure from the Department of Taxation and the Office of Planning.

Your Committee finds that this measure expands the costs that are eligible for the important agricultural land qualified agricultural cost tax credit to include expenditures for the improvement and restoration of former plantation lands that are primarily used for agricultural purposes.

Your Committee also notes that the Legislature has long recognized that land speculation and development pressures threaten the preservation of Hawaii's agricultural lands. Chapter 205, part III, Hawaii Revised Statutes, which establishes provisions relating to important agricultural lands, declares that there is "a compelling state interest in conserving the State's agricultural land resource base and assuring the long-term availability of agricultural lands for agricultural use . . . ."

Your Committee finds that there is support for the continuation of important agricultural lands incentives to protect large contiguous tracts of quality agricultural lands. These incentives should not be used to carve up designated important agricultural lands into gentleman estates, small subdivisions, or condominium property regimes.

Your Committee therefore believes that consideration should be given to clarifying the provision in section 235-110.93, Hawaii Revised Statutes, that includes certain expenditures for roads and utilities among the "qualified agricultural costs" for which a taxpayer may qualify for the important agricultural land qualified agricultural cost tax credit. Land identified and designated as important agricultural land should not be eligible for a tax credit that rewards a subdivision of that land.

Your Committee also believes that it may be appropriate to require a minimum lot size of twenty-five acres for the important agricultural land qualified agricultural cost tax credit to apply, or to amend statutory language to prevent the credit from applying to any subdivision or any creation of an agricultural condominium property regime.

Your Committee has amended this measure by:

- (1) Clarifying that remediated soils are to be used solely for agricultural uses and activities;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 760, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 760, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

### SCRep. 1045 Ways and Means on S.B. No. 988

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Mele Associates, Inc., in serving the public by providing renewable electric energy and installing renewable energy projects in the State.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure promotes the increased use of renewable energy in Hawaii, thereby supporting the State's goal of generating one hundred percent clean energy by 2045.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 988, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 988, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1046 Ways and Means on S.B. No. 989

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Business, Economic Development, and Tourism.

Your Committee received written comments in support of this measure from the Hawaii Green Infrastructure Authority, Hawaii Strategic Development Corporation, Hawaii Technology Development Corporation, Hawaii Tourism Authority, Blue Startups, and one individual.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; and Office of Planning.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Business, Economic Development, and Tourism from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Amending:
  - (A) The amounts appropriated or authorized;
  - (B) Provisions directing how the amounts appropriated shall be spent; and
  - (C) Means of financing,

for various programs within or attached to the Department of Business, Economic Development, and Tourism;

- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 989, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 989, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 1047 Ways and Means on S.B. No. 1016

The purpose and intent of this measure is to regulate the sale of tobacco products.

Specifically, this measure:

- (1) Prohibits the issuance and renewal of a retail tobacco permit for, and the sale of a tobacco product or an electronic smoking device at, a place of business within seven hundred fifty feet of a preschool, school, or public playground; and
- (2) Codifies the Department of Taxation's administrative rules that establish good cause for which the department may suspend, revoke, or decline to renew a retail tobacco permit.

Your Committee received written comments in support of this measure from Blue Zones Project, Hawaii COPD Coalition, Hawaii Public Health Institute, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and six individuals.

Your Committee received written comments in opposition to this measure from ABC Stores; Hawaii Cigar Association; Hawaii Food Industry Association; Hawaii Petroleum, LLC; Hawaii Smokers Alliance; Hi Lyfe Vaporz, LLC; Irie Hawaii Stores; Island Energy; Kauai Cigar Company; Retail Merchants of Hawaii; Volcano Fine Electronic Cigarettes; and numerous individuals.

Your Committee received written comments on this measure from the Department of Education, Department of Health, and Department of Taxation.

Your Committee finds that experimental smoking among high school-aged minors increases when tobacco retailers are located in close proximity to schools. Your Committee also finds that the establishment of tobacco retail buffer zones around schools and other locations where children gather will reduce tobacco-related health disparities and reduce youth tobacco use, particularly the use of electronic smoking devices.

Your Committee notes that the Department of Taxation has requested that the measure take effect on December 1, 2020, to coincide with the annual December 1 renewal date of retail tobacco permits and to allow the department sufficient time to make the necessary changes to its permit forms and computer system.

Your Committee has amended this measure by:

- (1) Clarifying that the age restriction on the sale of tobacco products applies to sales to persons under twenty-one years of age;
- (2) Clarifying that a fine of \$500 applies to the first offense of selling a tobacco product or electronic smoking device within a prohibited location;
- (3) Clarifying that an existing retail tobacco permit issued for a business located within a tobacco retail buffer zone shall not be renewed, rather than shall be void;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1016, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1016, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 1048 Ways and Means on S.B. No. 1020

The purpose and intent of this measure is to provide housing assistance for qualifying families.

Specifically, this measure:

- (1) Requires the Department of Human Services to develop and establish a housing homeless children rental assistance pilot program to assist families with minor children experiencing, or at imminent risk of, homelessness due to domestic violence, so that those families may obtain and maintain permanent housing; and
- (2) Appropriates funds for the program.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Youth Services Network, Hawaii Kai Homeless Task Force, Hawaiian Community Assets, United Church of Christ Transition House, and PHOCUSED.

Your Committee received written comments on this measure from the Department of Human Services, State Procurement Office, and the Governor's Coordinator on Homelessness.

Your Committee finds that the State and its residents are faced with the problems of homelessness and a limited supply of affordable housing. Your Committee recognizes that solutions are needed to address these problems, especially with respect to families with children who are homeless or at risk of becoming homeless.

Your Committee has amended this measure by:

- Providing that rental assistance includes financial assistance for the payment of expenses related to relocating to, and rent due to a landlord of, residential property;
- (2) Changing the appropriation for the pilot program from \$800,000 to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1020, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1020, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 1049 Ways and Means on S.B. No. 1026

The purpose and intent of this measure is to appropriate funds for the Healthy Aging Partnership program.

Your Committee received written comments in support of this measure from the Executive Office on Aging of the Department of Health, Policy Advisory Board for Elder Affairs, Hawaii Chapter of the American Physical Therapy Association, AARP, and two individuals.

Your Committee finds that the Healthy Aging Partnership program improves the health of older adults through evidence-based nterventions.

Your Committee notes that an appropriation of \$605,000 is needed for each fiscal year of the 2019-2021 fiscal biennium in order to sustain the program.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified sum; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1026, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1026, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

# SCRep. 1050 Ways and Means on S.B. No. 1058

The purpose and intent of this measure is to facilitate voter understanding of proposed amendments to the state constitution.

Specifically, this measure:

- (1) Requires the Attorney General to prepare a statement in English and Hawaiian for each proposed constitutional amendment, in language that is clear and neither misleading nor deceptive, that indicates the purpose, limitations, and effects of the proposed amendment:
- (2) Requires the Office of Elections and county clerks to make each statement available to the public at all physical locations or online sites where those agencies make proposed constitutional amendment questions available to the public; and
- (3) Appropriates \$10,000 for the translation, preparation, and distribution of statements for proposed constitutional amendments.

Your Committee finds that this measure will help voters understand their role in the constitutional amendment process and make informed decision by providing voters with clear information about what proposed constitutional amendments would do.

Your Committee has amended this measure by:

- (1) Removing unnecessary language that requires that the Attorney General's statement be neither misleading nor deceptive;
- (2) Clarifying that the statement shall be available to the public at all polling places in the State and on a website operated by the Office of Elections;
- (3) Changing the appropriation to an unspecified amount;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making a technical nonsubstantive change for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1058, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1058, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

#### SCRep. 1051 Ways and Means on S.B. No. 1297

The purpose and intent of this measure is to reduce the number of abandoned vehicles in the State.

More specifically this measure:

- (1) Requires applications for motor vehicle registration to include the applicant's address, driver's license number, telephone number, and emergency contact;
- (2) Authorizes the counties to assess fines to the registered owners of vehicles deemed abandoned; and
- (3) Requires persons claiming abandoned vehicles to show proof of valid motor vehicle registration and motor vehicle insurance prior to repossession.

Your Committee received written comments in support of this measure from the Honolulu Police Department.

Your Committee received written comments on this measure from the Division of Motor Vehicle, Licensing, and Permits of the City and County of Honolulu; Enterprise Holdings; and one individual.

Your Committee finds that the measure would help relieve the growing problem of abandoned vehicles.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1297, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1297, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 1052 Ways and Means on S.B. No. 1329

The purpose and intent of this measure is to set the salary of the Chairperson of the Public Utilities Commission on par with the highest pay tier of the First Deputy Attorney General and set the salary of each of the other Commissioners to be equal with the lowest pay tier of the First Deputy Attorney General.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that the complex scope of work of the Public Utilities Commission justifies salary levels for its Chairperson and other Commissioners that will attract and retain the most qualified candidates.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1329, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1329, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1053 Ways and Means on S.B. No. 1353

The purpose and intent of this measure is to facilitate the production of industrial hemp in the State.

Specifically, this measure:

- (1) Requires the Department of Agriculture to establish a permanent industrial hemp program to authorize licensed individuals to cultivate industrial hemp in the State;
- (2) Authorizes the Chairperson of the State Board of Agriculture to prepare and submit to the United States Secretary of Agriculture a proposed state plan to monitor and regulate hemp production in the State, pursuant to Section 297B of the Agricultural Marketing Act of 1946, as amended; and
- (3) Appropriates moneys for the permanent industrial hemp program.

Your Committee received written comments in support of this measure from the Department of Agriculture, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Farm Bureau, Hawaii Island Hemp Collective, ILWU Local 142, Hawaii Center for Food Safety, Aina Hookupu o Kilauea, the Mary N. Lucas Trust Estate, Hawaii Alliance for Progressive Action, and numerous individuals.

Your Committee received written comments on this measure from Akamai Cannabis Clinic.

Your Committee recognizes that Act 228, Session Laws of Hawaii 2016, established an industrial hemp pilot program to authorize the cultivation of industrial hemp and distribution of its seed in Hawaii for purposes of agricultural or academic research. At the time Act 228 was enacted, hemp was classified as a controlled substance under federal law, which limited activities under the program. Your Committee also recognizes, however, that on December 20, 2018, the Agriculture Improvement Act of 2018 was signed into law, and included the removal of industrial hemp from the schedule I controlled substance list, thus paving the way for a successful hemp industry in Hawaii through this measure.

Your Committee has amended this measure by:

- (1) Inserting the official title of the Agriculture Improvement Act of 2018 within the findings and purpose section;
- (2) Clarifying that an applicant may be a "person" that is not necessarily an individual;
- (3) Clarifying that if an applicant or a partner, director, or member of the applicant has been convicted of a relevant offense within ten years prior to the submission of an application for a license, the applicant shall be ineligible for a license;
- (4) Clarifying that a licensee shall reimburse the Department of Agriculture for costs related to the testing of samples collected from the licensee;
- (5) Deleting the measure's repeal of statutory language that currently exempts from certain drug-related criminal offenses the possession, cultivation, sale, receipt, or transfer of industrial hemp as authorized under the existing industrial hemp pilot program because the exemption is necessary until the pilot program is repealed in 2021 pursuant to Act 228, Session Laws of Hawaii 2016;
- (6) Providing that the possession, cultivation, sale, receipt, or transfer of industrial hemp as authorized under the proposed permanent industrial hemp program shall be exempt from certain drug-related criminal offenses;
- (7) Changing:
  - (A) All the appropriations to unspecified amounts;
  - (B) The effective date of all provisions of the bill except sections 7 and 8 to July 1, 2050; and
  - (C) The effective date of sections 7 and 8 to July 1, 2052,

to facilitate further discussion on the measure; and

(8) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1353, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1353, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1054 Ways and Means on S.B. No. 1427

The purpose and intent of this measure is to appropriate funds to increase the hours of operation of the Kuhio Highway contraflow on Kauai.

Your Committee received written comments in support of this measure from the Department of Transportation.

Your Committee finds that this measure will enable the Department of Transportation to continue the operation of contraflow in the County of Kauai, thereby mitigating traffic congestion and improving the quality of life of the island's residents and visitors.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the number of staff positions to an unspecified number; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1427, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1427, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (Fevella).

#### SCRep. 1055 Ways and Means on S.B. No. 1436

The purpose and intent of this measure is to require a feasibility study of using new techniques in state agriculture.

Specifically, this measure:

- (1) Requires the Department of Agriculture to conduct a study on the feasibility of establishing and designating agricultural technology zones within the City and County of Honolulu; and
- (2) Appropriates funds for the feasibility study.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association and MetroGrow Hawaii.

Your Committee received written comments on this measure from the Department of Agriculture.

Your Committee finds that agricultural technology describes the application of various techniques to control the growth and harvesting of vegetable products, including the use of robotics, indoor farming, and vertical farming. Your Committee further finds that these techniques reduce the need for space, pesticides, and water to grow food.

Your Committee notes that an appropriation of \$50,000 for each year of fiscal biennium 2019-2020 is necessary to conduct the feasibility study.

Your Committee has amended this measure by:

- (1) Changing the amounts appropriated to conduct the feasibility study to unspecified sums;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1436, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1436, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 1056 Ways and Means on S.B. No. 1462

The purpose and intent of this measure is to support and protect survivors of domestic abuse, sexual offenses, or stalking through the Address Confidentiality Program.

Specifically, this measure appropriates moneys to the Department of the Attorney General for the administration of the program, including funds for two full-time equivalent positions, operating costs, and equipment.

Your Committee received written comments in support of this measure from the Department of the Attorney General, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, American Association of University Women of Hawaii, The Sex Abuse Treatment Center, and Planned Parenthood Votes Northwest and Hawaii.

Your Committee finds that this measure will provide survivors of domestic violence, sexual offenses, or stalking with a substitute address to be used by state and local government agencies instead of their physical address, thus keeping their physical address from inclusion in public records and helping to protect these individuals from their abusers.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical nonsubstantive amendment for the purpose of consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1462, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1462, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1057 Ways and Means on S.B. No. 171

The purpose and intent of this measure is to examine ways to improve public education in the State.

Specifically, this measure:

- (1) Creates a county education task force to establish a process for the transfer of jurisdiction of all public schools from the State to the county in which the public school is located; and
- (2) Requires the task force to submit a report to the Legislature prior to the convening of the Regular Session of 2021.

Your Committee received written comments in opposition to this measure from the Board of Education, Department of Education, Hawaii State Teachers Association, and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance and Legislative Reference Bureau.

Your Committee finds that the task force established by this measure will help the State gain a better understanding of the potential ways to govern, fund, and potentially improve public education in the State.

Your Committee has amended this measure by:

- Clarifying that the task force membership shall include four representatives with backgrounds in education or finance; provided that each representative shall be appointed by the Governor from a list of three nominees that the mayor of each county shall submit;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 171, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 171, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 1058 Ways and Means on S.B. No. 192

The purpose and intent of this measure is to authorize courts to order the release of certain qualifying criminal defendants upon the execution of unsecured financial bonds.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs; Office of the Public Defender; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Young Progressives Demanding Action; LGBT Caucus of the Democratic Party of Hawaii; Community Alliance on Prisons; IMUAlliance; We Are One, Inc.; Drug Policy Forum of Hawaii; Ohana Hoopakele; Prince Kuhio Hawaiian Civic Club; and numerous individuals.

Your Committee received written comments on this measure from the Hawaii Disability Rights Center.

Your Committee recognizes that a defendant in custody who lacks sufficient cash resources to pay the necessary amount of bail can be detained for weeks, months, or even longer before a trial is conducted. Your Committee further finds that, in the meantime, the defendant faces the potential loss of employment, housing, or child custody. Your Committee recognizes that this measure is intended to provide certain defendants a process by which they may petition the courts for unsecured bail, and when appropriate, a means for the courts to grant those petitions.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 192, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 1059 Ways and Means on S.B. No. 223

The purpose and intent of this measure is to ensure the continued efficient operation of irrigation systems in the State.

Specifically, this measure:

- (1) Transfers operational authority of certain portions of the East Kauai irrigation system to the Department of Agriculture;
- (2) Funds operations and maintenance of the East Kauai irrigation system, including staffing positions for the Department of Agriculture's Agricultural Resource Management Division; and
- (3) Authorizes the issuance of general obligations bonds to increase state irrigation system capacity statewide.

Your Committee received written comments in support of this measure from the Department of Agriculture; East Kauai Water Users' Cooperative; Kalepa Koalition; Saiva Siddhanta Church; Hawaii Farm Bureau; Larry Jefts Farms, LLC; and Hawaii Cattlemens Council.

Your Committee finds that this measure allows for continued irrigation access while addressing significant operations and maintenance permitting issues. Your Committee further finds that this measure will increase state-controlled irrigation system capacity statewide in support of the State's goal of increasing local food production.

Additionally, your Committee finds that the issuance of general obligation bonds in the sum of \$2,000,000 for fiscal year 2019-2020 to increase state-controlled irrigation system capacity statewide and an appropriation of \$500,000 for fiscal year 2020-2021 for the operation and maintenance of the East Kauai irrigation system are necessary to achieve the intent of this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the three-year water licensing deadline referenced in section 1, subsection (e) of the measure is for a stream diversion works permit that may be extended until July 1, 2021;
- (2) Clarifying that the "significant progress" the applicant must demonstrate to be granted an extension of the three-year deadline shall include, at minimum, the submission of a completed stream diversion works permit application;
- (3) Changing the amounts authorized for general obligation bond issuance and the amount of general funds appropriated for the operation and maintenance of the East Kauai irrigation system to unspecified amounts;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 223, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 223, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

#### SCRep. 1060 (Majority) Ways and Means on S.B. No. 380

The purpose and intent of this measure is to subject mandatory resort fees to the transient accommodations tax by clarifying that mandatory resort fees are included in gross rental proceeds.

Your Committee received written comments in support of this measure from the Department of Taxation.

Your Committee received written comments in opposition to this measure from Kohala Coast Resort Association and Aqua-Aston Hospitality.

Your Committee received written comments on this measure from Tax Foundation of Hawaii.

Your Committee finds that specifying that mandatory resort fees are subject to the transient accommodations tax will prevent uncertainties in further implementation of the transient accommodations tax.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 380, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Inouye, Kanuha). Noes, 1 (Fevella). Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 1061 Ways and Means on S.B. No. 390

The purpose and intent of this measure is to promote the purchase and consumption of locally-produced, healthy food products by Supplemental Nutrition Assistance Program participants.

Specifically, the measure:

- (1) Establishes within the State a dollar-for-dollar matching program, to be called the local healthy food incentive program, for beneficiaries of the federal Supplemental Nutrition Assistance Program to purchase Hawaii-grown produce; and
- (2) Appropriates funds for the administration of the program.

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Health; Office of the Mayor of the County of Hawaii; Hawaii County Council; Ulupono Initiative; Hawaii Food Industry Association; Blue Zones Project; Hawaii Primary Care Association; The Food Basket, Inc.; Hawaii Island's Food Bank; Hawaii Foodbank; Hawaii Alliance for Community-Based Economic Development; American Diabetes Association; Hawaii Appleseed Center for Law and Economic Justice; Get Fit Kauai; Pioneering Healthier Communities of Honolulu; Hawaii Farm Bureau; Kahoomiki; GreenWheel Food Hub; Mao Organic Farms; Local Food Coalition; Hawaii Public Health Institute; Hawaii Community Foundation; Hawaii Center for Food Safety; We Are One, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Waianae Coast Comprehensive Health Center; American Heart Association; Aa Lii Farm; Lokoea Farms; AlohaCare; Maui Farmers Union United; and numerous individuals.

Your Committee finds that this measure will utilize federal matching funds to increase access to healthy, locally grown dietary options for beneficiaries of the federal Supplemental Nutrition Assistance Program while also invigorating local economies and addressing food insecurity.

Your Committee has amended this measure by:

- (1) Adopting the Department of Agriculture's recommended amendment authorizing the Department to develop rules for the program in consultation and cooperation with private organizations;
- (2) Changing the appropriation to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 390, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 390, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Kahele).

## SCRep. 1062 Ways and Means on S.B. No. 391

The purpose and intent of this measure is to appropriate moneys to the Department of Education to provide public school students with behavior analysis services.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii Education Caucus, Hawaii Association for Behavior Analysis, Hawaii Psychological Association, Hawaii State Teachers Association, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and three individuals.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that providing behavior analysis services to public school students will benefit these students during an important developmental stage. However, your Committee notes that licensed behavior analysts, of which there is a shortage in the State, are not the only professionals capable of providing behavior analysis services.

Accordingly, your Committee has amended this measure by:

- Expanding the types of behavior analysis service providers to include numerous other professionals licensed to provide behavior analysis services or permitted to implement behavior analysis programs;
- (2) Requiring the Department of Education to seek any necessary approvals from the Centers for Medicare and Medicaid Services to amend the state Medicaid plan to include applied behavior analysis services for eligible students who have been diagnosed with an autism spectrum disorder;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 391, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 391, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Kahele, Riviere).

## SCRep. 1063 Ways and Means on S.B. No. 398

The purpose and intent of this measure is to require the Department of Human Services, in partnership with the State Procurement Office, to provide government procurement training to nonprofit organizations that offer certain services and programs to address homelessness.

Your Committee received written comments in support of this measure from the Department of Human Services, Governor's Coordinator on Homelessness, State Procurement Office, ALEA Bridge, Hawaii Youth Services Network, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and two individuals.

Your Committee finds that providing government procurement training to certain nonprofit organizations will assist those organizations' efforts to apply for government funding, comply with contract requirements, and ensure that funds are properly utilized and accounted for.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 398, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1064 Ways and Means on S.B. No. 427

The purpose and intent of this measure is to establish ranked choice voting as the method of voting in certain elections.

Specifically, this measure requires that the following elections be determined by ranked choice voting:

- (1) Any federal election not held on the date of a regularly scheduled primary or general election; and
- (2) Any special election for a vacant seat on a county council.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, FairVote Action, and two individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that special elections for vacant federal office and county council seats often involve many candidates and result in situations in which a candidate wins by a mere plurality of votes. Accordingly, your Committee finds that this measure is intended to ensure that these elections are conducted so that the winning candidate wins by a majority of the votes.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 427, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 427, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12; Ayes with Reservations (Harimoto, Moriwaki, Taniguchi). Noes, none. Excused, 1 (Fevella).

## SCRep. 1065 Ways and Means on S.B. No. 462

The purpose and intent of this measure is to extend the nursing facility sustainability fee program to 2021.

In addition, this measure:

- Broadens the uses of expenditures from the nursing facility sustainability program special fund to include the matching of federal Medicaid funds in order to enhance capitated rates for paying quality incentives;
- (2) Increases program fees;
- (3) Allows Medicaid managed care health plans thirty days to make payments once monthly capitation rates have been received from the Department of Human Services; and
- (4) Appropriates funds from the nursing facility sustainability program special fund.

Your Committee received written comments in support of this measure from the Department of Human Services, the Healthcare Association of Hawaii, and The Queen's Health Systems.

Your Committee finds that the nursing facility sustainability program continues to play a critical role in providing a safety net for Medicaid recipients.

Your Committee notes that a special fund appropriation of \$21,000,000 is needed in each year of fiscal biennium 2019-2021.

Your Committee has amended this measure by:

- (1) Changing the special fund appropriation to an unspecified amount; and
- (2) Changing the effective date of the appropriation to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 462, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 462, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

# SCRep. 1066 Ways and Means on S.B. No. 470

The purpose and intent of this measure is to address the issue of homelessness in the State.

Specifically, this measure extends the sunset date and the reporting deadline for:

- (1) The Emergency Homelessness Assessment Pilot Program; and
- (2) The Medical Respite Pilot Program.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness and The Queen's Health Systems.

Your Committee finds that although the Department of Human Services is actively engaged in contract negotiations to implement the Emergency Homelessness Assessment Pilot Program and Medical Respite Pilot Program, both programs require additional time to be fully implemented. The extensions provided by this measure will ensure that the Department of Human Services can properly implement the programs and evaluate their outcomes.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 470 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

#### SCRep. 1067 Ways and Means on S.B. No. 530

The purpose and intent of this measure is to provide certain exemptions to the general excise tax.

Specifically, this measure:

- Exempts from the general excise tax the sale of mobility enhancing equipment, prescription drugs sold pursuant to a doctor's prescription, and prosthetic devices; and
- (2) Expands the scope of devices included in the existing definition of prosthetic device for purposes of the general excise tax exemption.

Your Committee received written comments in support of this measure from the Policy Advisory Board for Elder Affairs.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that mobility enhancing equipment, hearing aids, prescription drugs, and prosthetic devices are necessary for many disabled individuals. Your Committee believes that the exemptions provided in this measure will provide relief to these customers.

Your Committee has amended this measure by:

- (1) Applying the Act to taxable years beginning after December 31, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 530, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 530, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Kahele, Kidani, Riviere).

## SCRep. 1068 Ways and Means on S.B. No. 537

The purpose and intent of this measure is to repeal and replace requirements applicable to deferred deposit transactions with requirements applicable to small dollar loan transactions, and to require licensing for small dollar lenders.

This measure also appropriates funds out of the compliance resolution fund for two full-time equivalent examiners for the small dollar installment loan program.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs, Division of Financial Institutions; Hawaiian Community Assets; Catholic Charities Hawaii; Hawaii Appleseed Center for Law and Fconomic Justice; and three individuals.

Your Committee received written comments in opposition to this measure from the Money Service Centers of Hawaii, Inc., and Maui Loan Inc.

Your Committee received written comments on this measure from the Office of Information Practices.

Your Committee finds that this measure will encourage transparency and increase consumer protection in the payday lending industry.

Your Committee has amended this measure by:

- (1) Changing the appropriation out of the compliance resolution fund to an unspecified amount;
- (2) Making numerous technical corrections, including:
  - (A) Adjusting cross-references to other provisions in the measure and to existing laws;
  - (B) Completing the definition of "NMLS";
  - (C) Providing consistency between the preamble and the operative provisions of the measure with regard to the use of terms such as "nonrefundable initial application fee", "monthly maintenance fee", and "renewing the loan"; and
  - (D) Deleting language in the preamble relating to two-week time periods with regard to loan renewals and early repayments, since these time periods are not reflected in the operative provisions of the measure;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 537, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 537, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 1069 Ways and Means on S.B. No. 550

The purpose and intent of this measure is to provide an allowance to neighbor island Public Utilities Commission Commissioners for certain travel-related expenses.

No written comments were received on this measure.

Your Committee finds that neighbor island Public Utilities Commission Commissioners often incur travel expenses for which they are not reimbursed, including board and lodging, in order to travel to Oahu to carry out their duties. This measure will provide those commissioners with an allowance of \$225 per day to cover those expenses, in addition to the reimbursements they receive for air travel costs.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 550, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 550, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1070 Ways and Means on S.B. No. 557

The purpose and intent of this measure is to prohibit state and local law enforcement agencies from collaborating with the federal government to enforce federal immigration laws, except when required by law.

Your Committee received written comments in support of this measure from the Church of the Crossroads, LGBT Caucus of the Democratic Party of Hawaii, J-20+, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Women's Coalition, Aloha State Association of the Deaf, Filipina Advocacy Network, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Police Department, Honolulu Police Department, and twelve individuals.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that enforcement of federal immigration laws is a federal law enforcement function and that requiring state and local law enforcement agencies to perform duties traditionally delegated to federal law enforcement agencies would divert state and local law enforcement agencies from their principal functions, potentially risking the stability and security of many communities.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 557, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 557, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Riviere). Noes, none. Excused, 2 (Harimoto, Inouye).

## SCRep. 1071 Ways and Means on S.B. No. 652

The purpose and intent of this measure is to authorize the issuance of up to a maximum of \$50,000,000 in special purpose revenue bonds to assist Keahole FBO I LLC to fund the plans, design, construction, equipping, and operating of facilities for aviation and aviation-related services at Ellison Onizuka Kona International Airport at Keahole, Hawaii.

Your Committee received written comments in support of this measure from Kohala Coast Resort Association, Airport Business Solutions, Keahole FBO I LLC, Hotsa Consulting Ltd, and one individual.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure supports the development of various aviation and aviation-related services at Ellison Onizuka Kona International Airport at Keahole, including the development of hangars, a fuel farm, and other aviation infrastructure, that will generate revenue for and create jobs in the State.

Your Committee has amended this measure by:

- (1) Changing the amount of special purpose revenue bonds authorized to be issued to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 652, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 652, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

### SCRep. 1072 Ways and Means on S.B. No. 653

The purpose and intent of this measure is to increase the number of parking stalls in state and county buildings where future electric vehicle charging stations can easily be installed.

Specifically, this measure requires that new state and county buildings and those undergoing significant reconstruction make at least twenty percent of the parking stalls, but no less than two parking stalls, electric vehicle charger ready.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaiian Electric Company, Inc.; Elemental Excelerator; Blue Planet Foundation; Big Island EV Association; Strategic Highway Safety Plan; Ulupono Initiative; and nine individuals.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; City and County of Honolulu Department of Design and Construction; and Tesla.

Your Committee finds that delaying by approximately three years the implementation of the building code requirements established by this measure will provide the State and counties with time to incorporate the new standards into preliminary designs while avoiding costly redesigns of current construction that could result in delays and cost overruns.

Your Committee has amended this measure by:

- (1) Providing that implementation of the building code requirements shall begin after June 30, 2022;
- (2) Clarifying that the amendments made by the measure, including the two-parking stall minimum, shall apply to the reconstruction of state and county buildings, rather than the reconstruction of all buildings;
- (3) Amending the definition of "electric vehicle charger ready" to include sufficient capacity of the electrical service and distribution systems;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 653, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 653, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 1073 Ways and Means on S.B. No. 666

The purpose and intent of this measure is to improve the development, management, operation, and maintenance of the State's airports and aeronautical facilities.

More specifically, this measure:

- (1) Establishes the Hawaii Airports Corporation, which shall assume all of the authority, powers, functions, duties, and responsibilities of the Department of Transportation related to airports and aeronautics;
- (2) Exempts the Hawaii Airports Corporation from the Hawaii public procurement code (Chapter 103D, Hawaii Revised Statutes), provided that the Corporation shall adopt rules regarding certain aspects of procurement; and
- (3) Requires the Auditor to conduct management and financial audits of the Hawaii Airports Corporation every two years, beginning in 2023.

Your Committee received written comments in support of this measure from the Office of the Governor, Department of Public Safety, Department of Transportation, University of Hawaii, Airlines Committee of Hawaii, Airport Concessionaires Committee, American Council of Engineering Companies – Hawaii, Building Industry Association of Hawaii, Canada-France-Hawaii Telescope Corporation, Chamber of Commerce Hawaii, Enterprise Holdings, Hawaii Island Chamber of Commerce, Hawaii Lodging and Tourism Association, Hawaiian Airlines, Kohala Coast Resort Association, Maui Chamber of Commerce, Maui Hotel & Lodging Association, and eight individuals.

Your Committee received written comments in opposition to this measure from the Electrical Contractors Association, Ironworkers Stabilization Fund, and Subcontractors Association of Hawaii.

Your Committee received comments on this measure from the Department of Land and Natural Resources; Office of the Auditor; Office of Hawaiian Affairs; State Procurement Office; Carpet, Linoleum and Soft Tile Local Union 1926 Market Recovery Trust Fund; Glaziers Stabilization Fund; Hawaii Building and Construction Trades Council – AFL-CIO; Hawaii Glaziers, Architectural Metal Glassworkers Local Union 1889 AFL-CIO Stabilization Trust Fund; Hawaii Tapers Market Recovery Trust Fund; International Union of Painters and Allied Trades District Council 50; Painting Industry of Hawaii Labor Management Cooperation Trust Fund; and Plumbing and Mechanical Contractors Association on Hawaii.

Your Committee finds that transferring responsibilities related to aeronautics and the State's airports from the Department of Transportation to a newly established Hawaii Airports Corporation may facilitate streamlined decision-making and improve airport development, management, operation, and facilities maintenance.

Your Committee notes that various concerns have been raised about this measure, including but not limited to concerns that:

- (1) The measure would exempt the Hawaii Airports Corporation from the Hawaii public procurement code, generally, and that the measure does not require bids on construction contracts offered by the Hawaii Airports Corporation to include the name of each person or firm to be engaged by the bidder as a joint contractor or subcontractor and the nature and scope of work to be performed by each; and
- (2) There has been no opportunity for adequate discussion of the transfer of police powers to the Hawaii Airports Corporation.

Additionally, your Committee notes that stakeholders previously submitted written comments to the Senate Committee on Transportation expressing concerns that this measure should incorporate language regarding labor peace, a living wage, worker retention, and free speech.

Your Committee has amended this measure by:

- (1) Making a technical change to comport with recommended drafting conventions; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 666, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 666, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Harimoto). Noes, none. Excused, 2 (English, Taniguchi).

#### SCRep. 1074 Ways and Means on S.B. No. 785

The purpose and intent of this measure is to require the scope of collective bargaining negotiations to include benefits related to the Hawaii Employer-Union Health Benefits Trust Fund.

The measure also allows employers and exclusive representatives to resolve disputes over health benefits and contribution amounts through binding arbitration.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association and Hawaii Fire Fighters Association, Local 1463.

Your Committee received written comments in opposition to this measure from the Department of Budget and Finance.

Your Committee finds that this measure is part of a larger effort to reform the Employer-Union Health Benefits Trust Fund to make health benefits more affordable and flexible for employees.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 785, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

#### SCRep. 1075 Ways and Means on S.B. No. 867

The purpose and intent of this measure is to provide additional incentives to increase rental housing development in the State, particularly development of affordable rental housing units, to meet housing demand.

Specifically, this measure:

- (1) Removes certain limits on costs eligible for a general excise tax exemption for newly constructed or renovated affordable rental housing projects; and
- (2) Make permanent provisions relating to the types of rental housing projects that are exempt from the general excise tax and prevailing wages for the construction of certain rental housing projects.

Your Committee received written comments on this measure from the Department of Taxation, Hawaii Housing Finance and Development Corporation, and Tax Foundation of Hawaii.

Your Committee finds this measure will allow more projects to be certified for general excise tax exemption, thereby promoting the development of more affordable housing in Hawaii.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 867, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 1076 Ways and Means on S.B. No. 878

The purpose and intent of this measure is to establish a revolving fund for the Hawaii Housing Finance and Development Corporation to provide loans to qualified nonprofit housing trusts and nonprofit community development financial institutions for the development of affordable housing units.

This measure also appropriates and deposits general funds to the revolving fund to implement the loan program.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaiian Community Assets, Hawaii Habitat for Humanity Association, Inc., and two individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that the loan program created in this measure could provide our community's low-income families with a chance to reap the benefits of homeownership.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 878, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1077 Ways and Means on S.B. No. 984

The purpose and intent of this measure is to facilitate the administration of prescribed medications by school health aides to students who require them while attending a public school.

Specifically, this measure authorizes the administration of medication that is:

- (1) Prescribed by an advanced practice registered nurse with prescriptive authority; and
- (2) With the approval of an on-campus, school-based health care provider pursuant to a written agreement with the Department of Education.

Your Committee received written comments in support of this measure from the University of Hawaii, Hawaii State Center for Nursing, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, American Nurses Association of Hawaii, and seven individuals.

Your Committee received written comments on this measure from the Department of Education.

Your Committee recognizes that the assistance provided by school-based licensed health care professionals, including advanced practice registered nurses and registered nurses, increases parents' and caregivers' time at work, and principals' and teachers' instructional time. Your Committee finds that this measure enables advanced practice registered nurses to provide care to school-aged children, which helps reduce the impact of health issues that are otherwise barriers to learning.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 984, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 1078 Ways and Means on S.B. No. 1034

The purpose and intent of this measure is to clarify that the existing mandatory health insurance coverage for low-dose mammography includes digital mammography and breast tomosynthesis.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and Hawaii Radiological Society.

Your Committee received written comments in opposition to this measure from the Hawaii Association of Health Plans.

Your Committee received written comments on this measure from the Insurance Division of the Department of Commerce and Consumer Affairs and Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that three dimensional mammography enables detection of at least two to three additional cancers per one thousand women screened and lowers, from thirty to fifty percent, the number of women who are recalled for additional screening.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1034, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

#### SCRep. 1079 Ways and Means on S.B. No. 1224

The purpose and intent of this measure is to exempt lands assigned to the Hawaii Public Housing Authority from the definition of "public lands" under section 171-2, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority.

Your Committee finds that the lands now held by the Hawaii Public Housing Authority were exempted from the definition of "public lands" when held by predecessor agencies: the Housing and Community Development Corporation of Hawaii and the Hawaii Housing Authority. When the Housing and Community Development Corporation of Hawaii bifurcated into two separate agencies, the exemption for land assigned to the Hawaii Public Housing Authority was inadvertently omitted from section 171-2, Hawaii Revised Statutes. Your Committee finds that this measure is primarily a housekeeping measure that seeks to rectify this omission.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1224, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1080 Ways and Means on S.B. No. 1252

The purpose and intent of this measure is to temporarily authorize the Board of Land and Natural Resources to approve rental reductions or waivers of up to twenty years of lease rental for public land leases that require substantial demolition or infrastructure costs in order for lessees to utilize the premises.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that there are unimproved public lands in the State's inventory that require millions of dollars in infrastructure investments, including drainage, sewer, water, electricity, and other utilities. Your Committee finds that, by incentivizing lessees through rental reductions or waivers, the State can defer the costs of these improvements while supporting projects that benefit the State as a whole.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1252, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Taniguchi).

## SCRep. 1081 Ways and Means on S.B. No. 1368

The purpose and intent of this measure is to authorize the graduate students employed by the University of Hawaii to organize for the purpose of collective bargaining.

Your Committee received written comments in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, ILWU Local 142, Hawaii State Teachers Association, University of Hawaii Professional Assembly, Democratic Party of Hawaii Labor Caucus, Academic Labor United, Democratic Party of Hawaii Education Caucus, Hawaii Government Employees Association, and ten individuals.

Your Committee received written comments in opposition to this measure from the University of Hawaii.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that establishment of a new collective bargaining unit (15) comprising graduate students employed by the University of Hawaii will assist those individuals in improving their pay and employment benefits.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1368, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki, Riviere). Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

# SCRep. 1082 Ways and Means on S.B. No. 1460

The purpose and intent of this measure is to require carriers and other persons that transport liquor into the State to file monthly reports on those deliveries to the county liquor commissions or liquor control adjudication boards.

Your Committee received written comments in support of this measure from the Liquor Commission, City and County of Honolulu; and Hawaii Liquor Wholesalers Association.

Your Committee finds that a number of out-of-state manufacturers and retailers ship wine to residents but do not hold direct wine shipper permits. These shippers evade payment of the general excise tax required by businesses that hold direct wine shipper permits. Your Committee further finds that this measure's reporting requirements will enable county liquor commissions and liquor control adjudication boards to monitor the amount of liquor shipped into the State and determine whether the shipper has complied with permitting requirements, including the payment of taxes.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1460, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 1083 Ways and Means on S.B. No. 1461

The purpose and intent of this measure is to direct the Governor to enter into negotiations with the United States Department of Energy to establish a national laboratory in Hawaii.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development and Tourism; Hawaiian Electric Company, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and one individual.

Your Committee finds that establishing a national laboratory in Hawaii would attract and retain skilled professionals in science, technology, engineering, and math and would further encourage innovation and collaboration in the public and private sectors.

Your Committee notes that a resolution will be introduced in the Legislature urging the United States Congress to increase the current cap on national laboratories.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1461 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1084 Ways and Means on S.B. No. 1500

The purpose and intent of this measure is to require the Department of Health to collaborate with various agencies in researching, developing, and reporting to the Legislature on a plan to increase water circulation in Pokai Bay on Oahu in order to mitigate environmental and health risks caused by pollution and contaminants.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and two individuals.

Your Committee received written comments in opposition to this measure from the Department of Health.

Your Committee finds that since Pokai Bay is one of the most visited ocean areas on Oahu's Leeward Coast, eliminating its sources of pollution and contamination is a matter of public health and safety.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1500, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

# SCRep. 1085 Ways and Means on S.B. No. 1507

The purpose and intent of this measure is to appropriate funds to plan and hold a 2020 Hawaii-Philippines sister city trade show and economic outlook symposium.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the trade show and symposium would provide the State's individuals and businesses the opportunity to meet business owners and officials from the Philippines, gain new perspectives on Filipino cultural and business practices, and develop new business relationships and trade opportunities.

Your Committee notes that the appropriation amount requested is \$50,000.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1507, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 1086 Ways and Means on S.B. No. 891

The purpose and intent of this measure is to exempt affordable housing projects, alterations or expansions to existing dwelling units, accessory dwelling units, ohana dwelling units, and housing projects or property developed by the Hawaii Public Housing Authority from the land component impact fee applicable to new residential developments within a designated school impact district.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Education and Tax Foundation of Hawaii.

Your Committee finds that imposition of the impact fee on certain types of dwellings may frustrate the purposes for which those dwellings were constructed.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 891, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 891, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

# SCRep. 1087 Ways and Means on S.B. No. 911

The purpose and intent of this measure is to appropriate funds to the Hawaii Health Systems Corporation to improve health care services related to cardiac care at Hilo Medical Center.

Your Committee received testimony in support of this measure from the East Hawaii Region of Hawaii Health Systems Corporation, American Heart Association, Hilo Medical Center, Community First, Kau Hospital, Hawaii State Rural Health Association, Hilo

Medical Center Foundation, Blue Zones Project, East Hawaii Independent Physicians Association, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and numerous individuals.

Your Committee finds that this measure will enable the Hilo Medical Center to expand its offering of interventional cardiology which, in turn, will improve health outcomes for residents of Hawaii County who experience cardiac events.

Your Committee notes that an appropriation of \$1,500,000 for fiscal year 2019-2020, and an appropriation of \$1,000,000 for fiscal year 2020-2021, are needed to effectuate the purposes of this measure.

Your Committee has amended this measure by:

- (1) Changing the appropriation amounts to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 911, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 911, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1088 Ways and Means on S.B. No. 944

The purpose and intent of this measure is to mitigate the effects of climate change by requiring the Hawaii Climate Change Mitigation and Adaptation Commission to prioritize the use of nature-based solutions.

More specifically, this measure:

- Requires the Commission to prioritize the identification of and recommendations for utilizing nature-based solutions in its climate change mitigation and adaptation efforts;
- (2) Requires the Commission to assess and make recommendations regarding insurance, reinsurance, and other risk transfer products or market mechanisms to incentivize investment in nature-based solutions; and
- (3) Appropriates moneys to the Department of Land and Natural Resources to include nature-based solutions in the Commission's mitigation and adaptation efforts.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Environmental Caucus of the Democratic Party of Hawaii, Hawaii Reef and Ocean Coalition, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and The Nature Conservancy.

Your Committee notes that the Department of Land and Natural Resources requires \$50,000 for each year of fiscal biennium 2019-2021 for the Hawaii Climate Change Mitigation and Adaptation Commission. Further, your Committee notes that, although research and analysis of insurance, reinsurance, and other risk transfer products or market mechanisms that incentivize nature-based solutions are necessary, the Department of Land and Natural Resources has expressed concerns that the additional functions of the Commission under this Act will require additional resources.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$50,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 944, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 944, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 1089 (Joint) Ways and Means and Commerce, Consumer Protection, and Health on S.B. No. 975

The purpose and intent of this measure is to make certain amendments relating to land use.

Specifically, this measure:

- (1) Requires that if any parcel of land of a planned community association is subdivided as a condominium property regime in agricultural or preservation lands within a county with a population of seven hundred fifty thousand or more, the owner of the parcel shall provide public notification of the sale no later than ninety days after the sale of the parcel;
- Specifies that residential use of storage sheds or similar structures shall not be permitted, and any violation shall be subject to county enforcement authority;
- (3) Prohibits residential development on lands currently in preservation zoning districts within a county with a population of seven hundred fifty thousand or more;

- (4) Authorizes any county with a population of seven hundred fifty thousand or more to adopt ordinances governing condominium property regimes; and
- (5) Provides that an application for a registration of a condominium project within a county with a population of seven hundred fifty thousand or more may also include comments on the availability of supportive infrastructure, the potential impact on environmental resources, and other requirements of county ordinances and rules.

Your Committees received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu and the Land Use Research Foundation of Hawaii.

Your Committees received written comments on this measure from the Department of Agriculture, Land Use Commission, Office of Planning, and one individual.

Your Committees recognize the challenges within the State regarding the regulation of residential uses of lands under condominium property regimes in the state agricultural and preservation districts. Your Committees find that this measure attempts to address those challenges and help protect the State's agricultural and preservation lands from being developed for other purposes.

Your Committees have amended this measure by:

- (1) Inserting language that requires the declaration in a condominium project developer's public report to specify that the project is in compliance with section 205-4.5(f), Hawaii Revised Statutes; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 975, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 975, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 1090 Ways and Means on S.B. No. 992

The purpose and intent of this measure is to authorize the Hawaii Tourism Authority to separately contract for the management of the Hawaii Convention Center.

Your Committee received written comments in support of this measure from the Hawaii Tourism Authority and the Hawaii Lodging and Tourism Association.

Your Committee finds that under current law, management contracts for the Hawaii Convention Center must also include the marketing of all uses of the facility. By separating the management of the convention center from the marketing component, this measure will allow the Hawaii Tourism Authority to centralize sales efforts to a single point of contact.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 992, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 992, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

#### SCRep. 1091 Ways and Means on S.B. No. 1025

The purpose and intent of this measure is to change the allocation award ceiling for the kupuna caregivers program.

More specifically, this measure:

- (1) Changes the kupuna caregivers program allocation award ceiling from \$70 per day to \$350 per week; and
- (2) Appropriates moneys to the Executive Office on Aging for implementation of the kupuna caregivers program.

Your Committee received written comments in support of this measure from the Executive Office on Aging, Hawaii State Commission on the Status of Women, AARP, Caring Across Generations, Chinatown Gateway Plaza Tenant Association, Faith Action for Community Equity, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Psychological Association, ILWU Local 142, Lanakila Pacific, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and nine individuals.

Your Committee notes that the Executive Office on Aging requires appropriations of \$2,000,000 per fiscal year for fiscal years 2019-2020 and 2020-2021.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$2,000,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1025, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1025, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

#### SCRep. 1092 Ways and Means on S.B. No. 1111

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Accounting and General Services.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee received written comments on this measure from the Office of Information Practices.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Accounting and General Services from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Changing all appropriation amounts to unspecified sums;
- (2) Adding a severability clause;
- (3) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1111, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1111, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1093 Ways and Means on S.B. No. 1359

The purpose and intent of this measure is to ensure accountability with respect to the finances and management of the Agribusiness Development Corporation.

Specifically, this measure requires that a financial and management audit of the Agribusiness Development Corporation be conducted by the Department of Agriculture.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii County Council, Animal Rights Hawaii, and Hawaii Center for Food Safety.

Your Committee received written comments on this measure from the Department of Agriculture, Agribusiness Development Corporation, and Office of the Auditor.

Your Committee finds that this measure will bring clarity and accountability regarding the finances and management of the Agribusiness Development Corporation. However, your Committee notes that the cost of conducting the management audit is not clear, and your Committee respectfully requests that this concern be considered as this measure moves forward in the legislative process.

Your Committee has amended this measure by:

- (1) Requiring that the Auditor conduct the financial audit of the Agribusiness Development Corporation, to include the financial statements of fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, and submit a report to the Legislature prior to the Regular Session of 2022;
- (2) Clarifying that the Department of Agriculture conduct the management audit of the Agribusiness Development Corporation and submit a report to the Legislature prior to the Regular Session of 2022;
- (3) Adding an appropriation of an unspecified amount for two fiscal years for the Auditor's financial audit;
- (4) Changing the existing appropriation for two fiscal years to an unspecified amount;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1359, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1359, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Kahele, Kidani, Riviere, Taniguchi).

#### SCRep. 1094 Ways and Means on S.B. No. 1389

The purpose and intent of this measure is to establish a transit-oriented development infrastructure improvement zone program.

More specifically, this measure:

- (1) Authorizes the Hawaii Housing Finance and Development Corporation to establish and operate a transit-oriented development infrastructure improvement zone subaccount within the dwelling unit revolving fund;
- Requires the Hawaii Community Development Authority to develop the transit-oriented development infrastructure improvement zone program; and
- (3) Appropriates moneys to the Hawaii Community Development Authority for 1.0 FTE position to develop and manage the transit-oriented development infrastructure improvement zone program.

Your Committee received written comments in support of this measure from the Office of Planning, Chamber of Commerce Hawaii, Building Industry Association of Hawaii, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that establishing a transit-oriented development infrastructure improvement zone program will ensure that current transit-oriented development planning efforts will benefit the affected communities.

Your Committee has amended this measure by:

- (1) Clarifying the language with respect to the Hawaii Community Development Authority's responsibility to:
  - (A) Determine whether a parcel of land is a transit-oriented development infrastructure improvement zone based on specific conditions; and
  - (B) Adopt rules regarding any preliminary procedures required for the Authority to establish an assessment area;
- (2) Amending the definition of "transit-oriented development infrastructure improvement zone" to include a requirement that a parcel of land be located in a county's transit-oriented development zone within a one-half mile radius around a transit station; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1389, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1389, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 1095 Ways and Means on S.B. No. 1401

The purpose and intent of this measure is to strengthen the laws regulating pharmacy benefit managers.

Specifically, the measure:

- (1) Prohibits pharmacy benefit managers from encouraging covered persons to use pharmacies in which the managers have ownership interests or the pharmacies have ownership interests in the pharmacy benefit managers;
- (2) Requires pharmacy benefit managers to be licensed rather than registered;
- (3) Requires pharmacy benefit managers to submit transparency reports to the Insurance Commissioner;
- (4) Increases fees for licensing and renewals; and
- (5) Increases fines for violations.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments in opposition to this measure from the Hawaii Employer-Union Health Benefits Trust Fund and Express Scripts/Cigna.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs, Insurance Division; Department of the Attorney General; and Office of Information Practices.

Your Committee finds that increased transparency and heightened regulation under this measure will promote, preserve, and protect public health, safety, and welfare.

Your Committee has amended this measure by:

- Adopting the proposal of the Office of Information Practices to require the Insurance Commissioner to annually report aggregated information about pharmacy benefit managers;
- Clarifying references to the types of pharmacies and pharmacy providers that a pharmacy benefit manager shall not encourage covered persons to use;
- (3) Adding a savings clause; and

(4) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1401, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1401, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 1096 Ways and Means on S.B. No. 1410

The purpose and intent of this measure is to appropriate funds to support the expansion of Kau Rural Health Clinic in the County of Hawaii

Your Committee received written comments in support of this measure from the East Hawaii Region of Hawaii Health Systems Corporation and one individual.

Your Committee finds that expanding urgent care and behavioral health services at the Kau Rural Health Clinic will help to meet the demand for medical services by the growing population of Ocean View while reducing the need for costly emergency services consumed by individuals who lack reliable access to medical care.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1410, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1410, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

#### SCRep. 1097 Ways and Means on S.B. No. 1459

The purpose and intent of this measure is to establish the state commission on surfing.

Your Committee received written comments in support of this measure from Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that surfing plays a significant role in the history, culture, and economy of the State. Your Committee further finds that a state commission on surfing will benefit the State's economy through promotion of the sport.

Your Committee has amended this measure by:

- (1) Clarifying its purpose by noting that surfing is a native Hawaiian cultural practice; and
- (2) Replacing the voting member of the commission who is designated by the World Surfing League with a voting member who is designated by the Hawaii Lifeguard Association.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1459, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1459, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 1098 Ways and Means on S.B. No. 1465

The purpose and intent of this measure is to require health insurance policies and plan contracts to cover assisted community treatment benefits.

Your Committee received written comments in support of this measure from Partners in Care, Hawaii Kai Homeless Task Force, and Hawaii Health and Harm Reduction Center.

Your Committee received written comments on this measure from the Department of the Attorney General and Insurance Division of the Department of Commerce and Consumer Affairs.

Your Committee finds that the health insurance benefit required by this measure will provide community agencies and family members with the financial resources necessary to retain a psychiatric professional to file petitions to obtain assisted community treatment orders for chronically homeless, mentally ill individuals.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1465, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1465, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1099 Ways and Means on S.B. No. 114

The purpose and intent of this measure is to increase the recruitment and retention of qualified teachers in the State.

Specifically, this measure establishes a teacher home assistance program to provide housing vouchers to full-time teachers employed by the Department of Education who teach at a hard-to-fill school and whose household income does not exceed eighty percent of the area median income.

Your Committee received written comments in support of this measure from the Department of Education, Democratic Party of Hawaii Education Caucus, Hawaii State Teachers Association, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that housing subsidy vouchers have the potential to increase the number of teachers retained by the Department of Education, especially in hard-to-fill geographic areas, by assisting with teachers' financial burdens and encouraging qualified teachers to remain in Hawaii.

Your Committee notes that the Hawaii Housing Finance and Development Corporation has requested 22.5 full-time equivalent positions, at a cost of \$1,004,464.13, to administer the program proposed in this measure. However, because the Hawaii Public Housing Authority, which already administers a housing voucher program, has offered its assistance to the Hawaii Housing Finance and Development Corporation, the full 22.5 positions may not be necessary.

In addition, your Committee notes that the Hawaii Housing Finance and Development Corporation based its staffing estimate on the number of vouchers currently administered by the Hawaii Public Housing Authority rather than the number of vouchers that would be administered under a teacher home assistance program. Consequently, the cost to administer the program may be lower than the figure estimated by the Hawaii Housing Finance and Development Corporation.

Your Committee has amended this measure by:

- (1) Providing that a person requesting renewal of a housing voucher for an additional year shall submit proof of continued employment as a teacher;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 114, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 114, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Harimoto, Fevella). Noes, none. Excused, 2 (Kahele, Shimabukuro).

# SCRep. 1100 Ways and Means on S.B. No. 161

The purpose and intent of this measure is to provide to a taxpayer who hires an individual with a disability a nonrefundable income tax credit for the twelve-month period after the individual is initially hired by the taxpayer.

Your Committee received written comments in support of this measure from the Hawaii State Association of Counties and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that providing an incentive to hire individuals with disabilities facilitates the economic self-sufficiency of disabled individuals, allowing them to contribute to their communities as taxpaying citizens, establish relationships, and engage in social networking.

Your Committee has amended this measure by:

- (1) Amending the definition of "qualified wages" to prevent a taxpayer from claiming multiple tax benefits for the wages paid to the same employee;
- (2) Providing that the tax credit shall be recaptured if the taxpayer terminates the employment of the individual with a disability during a twelve-month period following the close of the taxable year for which the tax credit was claimed;
- (3) Applying the tax credit to taxable years beginning after December 31, 2019;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

Your Committee notes the following concerns regarding the measure:

 As currently drafted, it is unclear whether a taxpayer may claim a tax credit for hiring only one disabled individual or for each disabled individual hired; and (2) If the tax credit is intended to apply to each individual with a disability that a taxpayer hires, it is unclear whether the cap amount is intended to apply to the amount of tax credit claimed by a taxpayer for hiring a single disabled individual, or to the amount of tax credits claimed by a taxpayer for all the disabled individuals whom the taxpayer hires.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 161, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 161, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 1101 Ways and Means on S.B. No. 219

The purpose and intent of this measure is to require the Chief Information Officer, in conjunction with the Information Technology Steering Committee, to review, refresh, and submit the state information technology strategic plan every four years.

Your Committee received written comments in support of this measure from the Department of Education and Transform Hawaii

Your Committee finds that ever-evolving technology necessitates periodic updates to the state information technology strategic plan to ensure that the State is fully maximizing available modern resources. Your Committee further finds that this measure expands the duties of the Chief Information Officer to require that the plan be periodically reviewed and updated.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 219, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 219, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

#### SCRep. 1102 Ways and Means on S.B. No. 231

The purpose and intent of this measure is to establish and fund a youth commission administrator position in the Office of Youth Services

Your Committee received written comments in support of this measure from the Department of Human Services and two individuals.

Your Committee finds that the Youth Commission was established by Act 106, Session Laws of Hawaii 2018, and funded through June 30, 2019. Ongoing funding will allow the commission to continue advising the Governor on policies and programs that affect the State's youth.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 231, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 231, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (English).

# SCRep. 1103 Ways and Means on S.B. No. 307

The purpose and intent of this measure is to establish a provisional speech pathologist license for individuals engaging in clinical or academic practice under the supervision of a licensed speech pathologist.

Your Committee received written comments in support of this measure from the Board of Speech Pathology and Audiology, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Healthcare Association of Hawaii.

Your Committee finds that providing provisional speech pathology licenses will increase speech pathology training opportunities in the State.

Your Committee has amended this measure by:

- (1) Clarifying that a licensed speech pathologist must be in good standing with the Board of Speech Pathology and Audiology as a requirement to supervise a provisional licensee;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 307, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 307, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1104 Ways and Means on S.B. No. 433

The purpose and intent of this measure is to appropriate funds to the Department of Health for a social marketing campaign to increase physical activity and reduce child and teen screen time.

Your Committee received written comments in support of this measure from the Department of Health.

Your Committee finds that this measure would promote leisure-time physical activity as an alternative to electronic screen time for children and teens, aligning with national recommendations and evidence-based social marketing strategies that support positive messaging to motivate healthy lifestyle changes.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 433, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 433, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

# SCRep. 1105 Ways and Means on S.B. No. 463

The purpose and intent of this measure is to extend the hospital sustainability program for two years until 2021.

This measure also raises the ceiling for the hospital sustainability fee and appropriates funds from the hospital sustainability program special fund for the purposes of the special fund.

Your Committee received written comments in support of this measure from the Department of Human Services, Healthcare Association of Hawaii, and The Queen's Health Systems.

Your Committee finds that the loss of sustainability funds would have a dramatic negative impact on hospitals.

Your Committee notes that a special fund appropriation of \$75,000,000 is needed in each year of fiscal biennium 2019-2021 to continue this program.

Your Committee has amended this measure by:

- (1) Changing the hospital sustainability program special fund appropriation to an unspecified amount; and
- (2) Changing the effective date of the appropriation to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 463, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 463, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

# SCRep. 1106 Ways and Means on S.B. No. 485

The purpose and intent of this measure is to enhance the development of agriculture and food security in the State.

Specifically, this measure increases the portion of the barrel tax on petroleum products that is deposited into the agricultural development and food security special fund from fifteen cents per barrel to thirty cents per barrel.

Your Committee received written comments in support of this measure from the Department of Agriculture, The Nature Conservancy, Ulupono Initiative, Hawaii Farm Bureau, and one individual.

Your Committee finds that the additional moneys deposited into the agricultural development and food security special fund will support agricultural development statewide. Your Committee also finds that this funding will be available to improve biosecurity by increasing local food production, which in turn will decrease the chance that harmful biological agents will be introduced into the State through agricultural imports.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 485, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 485, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

## SCRep. 1107 Ways and Means on S.B. No. 533

The purpose and intent of this measure is to clarify the procedure for nominees to a state board or commission whose nomination for appointment or reappointment is withdrawn for cause by the Governor prior to an advice and consent action by the Senate.

Your Committee finds that this measure would provide a necessary clarification that the Governor's withdrawal for cause of a nominee to a state board or commission renders that nominee disqualified for membership or ineligible to serve as a holdover member.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 533, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 533, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Kahele).

### SCRep. 1108 Ways and Means on S.B. No. 792

The purpose and intent of this measure is to enhance the productivity and efficiency of state employees.

Specifically, this measure:

- (1) Establishes the public employees training program and the board of the public employees training program;
- Requires the board of the public employees training program to develop a plan for the creation and development of various employee training programs;
- (3) Establishes the public employees training fund; and
- (4) Requires that each newly hired state employee be provided with a general orientation on their benefits and rights.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association.

Your Committee finds that a public employees training program would increase employee-retention in and provide general benefits to the public workforce.

Your Committee has amended this measure by making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 792, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 792, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

### SCRep. 1109 Ways and Means on S.B. No. 804

The purpose and intent of this measure is to increase the utilization of palliative care in the State.

Specifically, this measure:

- (1) Establishes within the Department of Health a culturally competent palliative care program to promote palliative care, gather health care utilization data, and conduct bidding for at least two pilot programs for home or community based palliative care;
- (2) Establishes an advisory group to oversee the implementation of the pilot programs; and
- (3) Appropriates funds for the palliative care pilot programs.

Your Committee received written comments in support of this measure from the Department of Health, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Kauai Hospice, Healthcare Association of Hawaii, Kokua Mau, Community First, Hawaii Care Choices, St. Francis Healthcare System, Hawaii Family Forum, Oahu County Democrats, and numerous individuals.

Your Committee received written comments on this measure from the League of Women Voters of Hawaii.

Your Committee finds that numerous studies have shown that palliative care significantly improves the quality of life of patients and their families. Your Committee also finds that palliative care can be offered concurrently with both curative treatments or hospice and end-of-life care.

Your Committee has amended this measure by:

- Clarifying that the chief executive of the hospital in the Hawaii Health Systems Corporation region in which the palliative care
  pilot program is implemented, or the chief executive's designee, shall be invited to serve on the advisory group;
- (2) Providing that the Director of Health shall invite the chief executive of the Maui Health System to serve on the advisory group if the pilot program is implemented in the County of Maui;

- (3) Clarifying that the Director of Health shall invite to serve on the advisory group representatives from the John A. Burns School of Medicine, American Cancer Society, Kokua Mau, and a person who is a patient or family member of a patient who previously received palliative care;
- (4) Changing the amount appropriated for palliative care pilot programs to an unspecified amount;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive changes for purposes of clarity and style.

Should this measure pass into law, your Committee notes that the Department of Health will require an appropriation of \$350,000 for each fiscal year of the biennium to implement the palliative care pilot program.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 804, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 804, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

# SCRep. 1110 Ways and Means on S.B. No. 817

The purpose and intent of this measure is to establish provisions for the sale of stored property insurance by self-service storage facility owners.

Your Committee received written comments in support of this measure from the Self Storage Association and StorQuest Self Storage.

Your Committee received written comments in opposition to this measure from the Department of Commerce and Consumer Affairs.

Your Committee believes that through this measure, more individuals who rent units at self-service storage facilities will be afforded the opportunity to purchase insurance at the point of rental and thus have a more accessible means to obtain optional affordable coverage for their stored property.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 817, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 817, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

#### SCRep. 1111 Ways and Means on S.B. No. 871

The purpose and intent of this measure is to appropriate moneys to the Department of Land and Natural Resources for invasive species technician positions in the Department's Division of Forestry and Wildlife on the island of Hawaii.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Farm Bureau; Hawaiian Electric Company, Inc.; The Nature Conservancy; and one individual.

Your Committee finds that establishing invasive species technician positions will mitigate the impact of invasive species on the island of Hawaii and will help protect the island's environment and overall health, culture, and economy.

Your Committee notes that an appropriation of \$500,000 in each year of fiscal biennium 2019-2021 will be necessary to fund the additional invasive species technician positions.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 871, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 871, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

#### SCRep. 1112 Commerce, Consumer Protection, and Health on S.B. No. 818

The purpose and intent of this measure is to:

- (1) Establish licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board; and
- (2) Specify that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawaii Teacher Standards Board, Hawai'i Association of School Psychologists, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Education, and Hawai'i Psychological Association.

Your Committee finds that, under existing law, school psychologists are exempt from licensure when practicing in a school setting and have no credentialing requirements. Hawaii is the only state in the country that allows this, meaning individuals who do not have graduate training in school psychology, and who do not meet nationally accepted certification standards, are allowed to practice psychology within an educational setting. Your Committee finds that the integrity of the profession is comprised and the public is not protected when these unlicensed and uncertified persons are employed in a school setting under the current licensing exemption. Furthermore, only certified or licensed professionals are billable under Medicaid, so the existing exemption does not allow for the Department of Education to bill for any services or evaluations conducted by school psychologists at this time. This measure brings Hawaii law into alignment with the rest of the country by requiring licensure for school psychologists and promotes efforts to protect children by adopting nationally accepted standards for licensure.

Your Committee has amended this measure by:

- (1) Clarifying that licensure requirements for school psychologists shall be prescribed in a manner consistent with the National Association of School Psychologists standards, or successor organization, in a school setting;
- Specifying that a person licensed as a school psychologist shall practice only within a school setting and shall not engage in private practice;
- (3) Renaming the "Hawaii Teacher Standards Board" to the "Hawaii Teacher Standards and School Psychologists Board";
- (4) Amending the composition of the Hawaii Teacher Standards and School Psychologists Board to include two school psychologists;
- (5) Requiring the Hawaii Teacher Standards and School Psychologists Board to report to the Legislature prior to the convening of the Regular Session of 2022;
- (6) Updating the purpose section;
- (7) Inserting a sunset date of July 1, 2026;
- (8) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 818, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 818, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Thielen). Noes, none. Excused, 2 (Nishihara, Ruderman).

## SCRep. 1113 (Joint) Labor, Culture and the Arts and Judiciary on S.B. No. 569

The purpose and intent of this measure is to:

- (1) Include programs and activities that also receive federal financial assistance within the meaning of programs and activities receiving state financial assistance; and
- (2) Ensure that claims of disability discrimination in state financially assisted programs fall under the jurisdiction of the Hawaii Civil Rights Commission.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, Disability and Communications Access Board, Hawaii Disability Rights Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received comments on this measure from the Department of Education.

Your Committees find that when enacted, section 368-1.5, Hawaii Revised Statutes, was intended to provide a state remedy for disability discrimination in addition to the federal remedies available under section 504 of the Rehabilitation Act, thereby providing an alternative state remedy in situations where federal remedies were also available. The intent was to provide those with disabilities non-discriminatory access to state financially assisted programs and activities, regardless of whether that program or activity also received federal financial assistance.

The Hawaii Civil Rights Commission has enforcement jurisdiction over Hawaii laws prohibiting discrimination in employment, housing, public accommodations, and access to state financially assisted programs and activities on the basis of disability. However, the Hawaii Supreme Court in *Hawaii Technology Academy and the Department of Education v. L.E. and Hawaii Civil Rights Commission*, 141 Hawaii 147, 407 P.3d 103 (2017), held that the Legislature did not intend the Hawaii Civil Rights Commission to have jurisdiction over disability discrimination claims under section 368-1.5, Hawaii Revised Statutes, if protections under section 504 of the Rehabilitation Act were also applicable.

This decision rendered section 368-1.5, Hawaii Revised Statutes, superfluous as nearly all state departments receive federal funds, and eliminated an avenue of redress for Hawaii residents who believed they had been discriminated against on the basis of disability.

Your Committees further find that this measure clarifies the original intent of the Legislature to give the Hawaii Civil Rights Commission jurisdiction over state funded program-related disability discrimination claims so that Hawaii residents may have a state remedy regardless of whether they may also be entitled to remedies under federal law.

Your Committees note the concerns raised in the Department of Education's testimony that this measure as drafted would give the Hawaii Civil Rights Commission jurisdiction over public school students' disability discrimination cases. According to the Department of Education, this measure as it applies to public school students with disabilities is duplicative of and would circumvent the remedies and procedures already established by applicable rules and policies required by federal law. Further, the Department of Education testified that this measure as currently drafted could lead to the duplication of efforts by different government agencies. Amendments to this measure are therefore necessary to address some of the Department of Education's concerns.

Accordingly, your Committees have amended this measure by:

- Inserting language in section 368-11, Hawaii Revised Statutes, to clarify that the Hawaii Civil Rights Commission shall not have jurisdiction over claims that would be cognizable under the Individuals with Disabilities Education Act, P.L. 101-476, as amended (IDEA), and its appeals process;
- (2) Updating the purpose section as appropriate; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 569, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 569, S.D. 2.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Ihara). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

#### SCRep. 1114 Ways and Means on S.B. No. 1417

The purpose and intent of this measure is to establish a sustained funding source within the Office of Veterans' Services for the repatriation and burial costs for Filipino-American World War II veterans.

Your Committee received written comments in support of this measure from the Office of Veterans' Services and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure will provide funding for funeral and burial service support to any qualifying Filipino veteran and, if desired, transportation of the veteran's remains to the Philippines.

Your Committee further notes that an appropriation of \$100,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 are needed to effectuate the purposes of this measure.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1417, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1417, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 1115 Ways and Means on S.B. No. 78

The purpose and intent of this measure is to require the Department of Education to contract with a third-party consultant to study the adequacy of education funding in the State.

Your Committee received written comments in support of this measure from the Department of Education, Hawaii State Teachers Association, and Democratic Party of Hawaii Education Caucus.

Your Committee finds that the study required by this measure will improve the understanding of the funding necessary to support student learning and prepare Hawaii's public school students for the social and economic demands of the twenty-first century.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 78, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 78, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 1116 Ways and Means on S.B. No. 90

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Education.

Your Committee received written comments in support of this measure from the Department of Education, Executive Office on Early Learning, Early Learning Board, and Hui for Excellence in Education.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Education from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Removing appropriations for:
  - (A) Air conditioning repair (EDN400/OC School Support); and
  - (B) Early learning induction program and additional prekindergarten classrooms (EDN700/PK);
- (2) Indicating the program title associated with each program ID in the appropriations table;
- (3) Adding the means of financing for line items that did not have a means of financing indicated;
- (4) Providing that the Department of Education is the expending agency for line items in the appropriations table that did not have an expending agency indicated;
- (5) Clarifying that the appropriations made in the measure are for operating costs, rather than capital investment project costs;
- (6) Adding a severability clause;
- (7) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors;
- (8) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (9) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 90, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 90, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1117 Ways and Means on S.B. No. 198

The purpose and intent of this measure is to authorize the counties to establish a surcharge on the state transient accommodations

Your Committee received written comments in support of this measure from the Office of the Mayor of the City and County of Honolulu and the Office of the Mayor of the County of Hawaii.

Your Committee received written comments on this measure from the Department of Taxation, Rental by Owner Awareness Association, and Tax Foundation of Hawaii.

Your Committee finds that the transient accommodations tax is imposed on hotels and other forms of short-term lodgings. A portion of transient accommodations revenues is allocated to the counties to offset the cost of tourism-related expenditures. Your Committee also finds that the surcharge authorized by this measure will provide the counties with additional resources to pay for rising expenditures.

Your Committee has amended this measure by:

- (1) Deleting a provision giving the Director of Taxation the power to determine the county in which a person is engaged in the business of furnishing transient accommodations;
- (2) Inserting provisions regarding the disposition of county surcharge on transient accommodations tax revenues; and
- (3) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 198, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 198, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 1118 Ways and Means on S.B. No. 277

The purpose and intent of this measure is to appropriate an unspecified amount of funds to the Department of Land and Natural Resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and two hundred thirty-eight individuals.

Your Committee finds that the Governor has requested funding for various priority projects of the Department of Land and Natural Resources. Your Committee recognizes that the Department of Land and Natural Resources anticipates receiving \$5,000,000 per year in additional revenue in the special land and development fund starting in fiscal year 2019-2020.

Your Committee has amended this measure by deleting its contents and inserting provisions that appropriate \$3,000,000 from the special land and development fund for each year of the 2019-2021 fiscal biennium for priority projects of the Department of Land and Natural Resources, as requested by the Governor.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 277, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 277, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1119 Ways and Means on S.B. No. 313

The purpose and intent of this measure is to appropriate funds to the University of Hawaii to establish two full-time equivalent positions for the wayfinding education program – Imiloa Astronomy Center at the University of Hawaii at Hilo.

Your Committee received written comments in support of this measure from the University of Hawaii; Maunakea Observatories of the Institute for Astronomy of the University of Hawaii; Office of Aerospace Development of the Department of Business, Economic Development, and Tourism; Pacific International Space Center for Exploration Systems of the Department of Business, Economic Development, and Tourism; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and four individuals.

Your Committee finds that the positions funded by this measure are necessary to establish a permanent program at the Imiloa Astronomy Center that provides both formal academic training and community education in celestial navigation and wayfinding.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 313, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 313, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Fevella).

# SCRep. 1120 Ways and Means on S.B. No. 397

The purpose and intent of this measure is to ensure that certain contractors and subcontractors comply with applicable state and federal tax laws.

Specifically, this measure:

- (1) Requires, for a private development exceeding a certain value, the submittal of tax clearances, or a bulk sales certificate, if applicable, for any contractors or subcontractors involved in the private development prior to:
  - (A) The granting of a building permit;
  - (B) Assignment of the development contract; or
  - (C) Final inspection by a state or county contracting officer; and
- (2) Establishes penalties for intentional or knowing violations by government officers or employees.

Your Committee received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the requirement to obtain a valid tax clearance prior to the issuance of certain permits will verify that certain contractors and subcontractors have no liability for unpaid state or federal taxes.

Your Committee has amended this measure by:

- (1) Providing that the requirements to provide a tax clearance shall apply to private developments valued at \$195,000 or greater;
- (2) Requiring the tax clearances submitted prior to the final inspection of a private development to be dated no earlier than forty-five days before the date of the request for a final inspection;
- (3) Changing the unspecified sum for grants-in-aid to the counties for enforcement of the measure to \$3,000 for each year of the biennium and specifying the allocation;
- (4) Inserting a savings clause; and

(5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 397, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 397, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

## SCRep. 1121 (Majority) Ways and Means on S.B. No. 714

The purpose and intent of this measure is to make necessary updates to the transient accommodations tax law.

Specifically, this measure:

- Includes resort fees and other fees among the gross rental and gross rental proceeds upon which the tax is calculated for transient accommodations;
- (2) Increases the fair market rental value base upon which a time share unit is taxed to an amount equal to one hundred percent of the gross daily maintenance fees paid by the unit owner and attributable to the unit; and
- (3) Specifies that transient accommodations intermediaries who arrange transient accommodations at noncommissioned negotiated contract rates shall pay the tax.

Your Committee received written comments in opposition to this measure from American Resort Development Association-Hawaii, Aqua-Aston Hospitality, and Kohala Coast Resort Association

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that, as the transient accommodations industry is increasingly evolving, it is necessary for the transient accommodations tax law to adapt accordingly to ensure compliance with the law and timely collection of the tax.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 714, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 714, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Inouye, Kanuha). Noes, 1 (Fevella). Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 1122 Ways and Means on S.B. No. 789

The purpose and intent of this measure is to provide for increases in the minimum wage.

More specifically, this measure:

- (1) Increases the minimum wage to \$12.00 per hour beginning January 1, 2020;
- (2) Increases the minimum wage to \$15.00 per hour beginning January 1, 2023; and
- (3) Establishes a nonrefundable income tax credit for qualifying small businesses to offset the increase in the minimum hourly wage that employers must pay their employees.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations, Aloha State Association of the Deaf, American Association of University Women of Hawaii, Catholic Charities Hawaii, Democratic Party of Hawaii Education Caucus, Democratic Party of Hawaii, Democratic Party of Hawaii Labor Caucus, Drug Policy Forum of Hawaii, Hawaii Alliance for Community-Based Economic Development, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Government Employees Association, Hawaii State Teachers Association, Hawaii Women's Coalition, ILWU Local 142, IMUAlliance, League of Women Voters of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Living Wage Hawaii, Midwives Alliance of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, PHOCUSED, and numerous individuals.

Your Committee received written comments in opposition to this measure from The Chamber of Commerce Hawaii, Hawaii Food Industry Association, Hawaiian Chip Company, Honolulu County Republican Party, Maui Chamber of Commerce, National Federation of Independent Business, PCG Enterprises LLC, Retail Merchants of Hawaii, and four individuals.

Your Committee received written comments on this measure from the Department of Taxation and one individual.

Your Committee finds that this measure is intended to strike a balance between the interests of employees and employers by increasing the minimum wage in two increments over three years, while providing a tax credit to help qualified small businesses adjust to the increased labor cost.

Your Committee has amended this measure by:

- (1) Amending the definition of "qualified small business" by changing the gross income requirement to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

(3) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 789, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 789, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki, Riviere, Fevella). Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

## SCRep. 1123 Ways and Means on S.B. No. 796

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Human Resources Development.

Your Committee received written comments in support of this measure from the Department of Human Resources Development and Board of Trustees of the Deferred Compensation Plan.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Human Resources Development from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 796, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 796, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1124 Ways and Means on S.B. No. 856

The purpose and intent of this measure is to require the Auditor to conduct routine financial and management audits of the Department of Education, Superintendent of Education, Board of Education, and complex areas.

More specifically, this measure requires the Auditor to:

- Conduct a financial and management audit of the Department of Education, Superintendent of Education, Board of Education, and complex areas every three years; and
- (2) Submit a report of its findings and recommendations to the Legislature following each audit.

Your Committee received written comments in support of this measure from Chamber of Commerce Hawaii, Maui Chamber of Commerce, and one individual.

Your Committee received written comments in opposition to this measure from the Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education and Office of the Auditor.

Your Committee finds that routine audits will help to identify the financial and management needs of Department of Education schools

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical nonsubstantive change for the purpose of style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 856, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 856, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1125 Ways and Means on S.B. No. 976

The purpose and intent of this measure is to facilitate the lease of public library land.

Specifically, this measure:

- (1) Establishes a pilot program and corresponding library facilities fund for the lease of public library land and facilities; and
- (2) Requires the Board of Education to submit reports to the Legislature on the progress of the pilot program.

Your Committee received written comments in support of this measure from the Hawaii State Public Library System, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance, Department of the Attorney General, and Department of Land and Natural Resources.

Your Committee finds that although state public libraries provide an important service to the community, the State should consider new approaches to the generation of funds to support those libraries, including the lease of public library lands, as proposed by this measure.

Your Committee has amended this measure by:

- (1) Replacing a reference to section 171-13, Hawaii Revised Statutes, with a reference to section 171-11, Hawaii Revised Statutes;
- (2) Requiring the Board of Education to consult with the State Librarian in the identification and selection of public library land sites for participation in the pilot program;
- (3) Clarifying that the Board of Education may lease public library land without review by or approval of the Board of Land and Natural Resources;
- (4) Inserting appropriations of unspecified sums for fiscal years 2019-2020 and 2020-2021 for a comprehensive planning study to review all state public library land sites and facilities to assist the State Librarian and the Board of Education in identifying public library land sites for the pilot program established by this measure;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 976, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 976, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1126 Ways and Means on S.B. No. 1343

The purpose and intent of this measure is to require that individuals between the ages of eighteen and twenty-six comply with the Military Selective Service Act to be eligible to enroll in a state-supported post-secondary educational institution, qualify for state financial assistance for post-secondary education, or be eligible for state or county employment or service.

Your Committee received written comments in support of this measure from the United States Selective Service System.

Your Committee received written comments on this measure from the University of Hawaii.

Your Committee notes that the University of Hawaii has requested additional administrative resources to implement this measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1343, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1343, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

# SCRep. 1127 Ways and Means on S.B. No. 1347

The purpose and intent of this measure is to appropriate moneys to the Department of the Attorney General to make a grant to Weed and Seed Hawaii, Inc., to continue the Weed and Seed program.

Your Committee received written comments in support of this measure from the Department of the Attorney General; Hawaii Paroling Authority; Honolulu Police Department; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Gentry Homes, Ltd.; Haseko Development, Inc.; Roy's Ko Olina, and numerous individuals.

Your Committee finds that the Weed and Seed program has been effective in reducing crime rates in areas in which it has been implemented.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical nonsubstantive change for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1347, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1347, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1128 Ways and Means on S.B. No. 1374

The purpose and intent of this measure is to require the Department of Budget and Finance to administer a retirement savings program for private sector employees.

Your Committee received written comments in support of this measure from AARP, Policy Advisory Board for Elder Affairs, Chinatown Gateway Plaza Tenant Association, Young Progressives Demanding Action, Art Nelson Sailmaker/Ullman Sails Hawaii, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Bankers Association.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that a significant portion of Hawaii's private sector workers lack a pension plan or have no access to a tax-deferred savings plan through their employer. Enabling more private sector workers to save for retirement will improve their opportunities for financial independence and lessen the likelihood that they rely on public assistance programs later in life.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1374, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1374, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

#### SCRep. 1129 Ways and Means on S.B. No. 1394

The purpose and intent of this measure is to facilitate the rehabilitation of historic structures.

More specifically, this measure:

- (1) Establishes a historic preservation income tax credit; and
- (2) Appropriates funds for one temporary position within the State Historic Preservation Division to assist with the establishment and administration of the historic preservation income tax credit program.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Land Use Research Foundation of Hawaii, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that thirty-eight states provide tax credits for the rehabilitation of historic structures. Your Committee also finds that establishing a similar tax credit in Hawaii would promote the comprehensive state historic preservation program established by chapter 6E, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Changing the tax credit from refundable to nonrefundable;
- (2) Disallowing the tax credit if a deduction is claimed for the same expenses;
- (3) Inserting provisions to reduce the basis of depreciable property by the amount of the tax credit;
- (4) Clarifying that recapture of the tax credit shall occur when the Department of Taxation is informed by the Department of Land and Natural Resources that the taxpayer has failed to comply with the requirements of the tax credit;
- (5) Requiring the taxpayer to file the certificate issued by the State Historic Preservation Division along with the taxpayer's tax return to the Department of Taxation;
- (6) Authorizing in statute, rather than session law, the Department of Land and Natural Resources to collect fees to offset the costs of certifying tax credit claims; and
- (7) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1394, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1394, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 1130 Ways and Means on S.B. No. 1464

The purpose and intent of this measure is to support the public in preparing, filing, defending, and adjudicating assisted community treatment petitions, related guardianship petitions, and other legal filings.

Specifically, this measure appropriates funds for:

- (1) Two Deputy Attorney General positions;
- (2) A family court judge in the First Circuit; and
- (3) A social worker in the Office of the Public Guardian.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Partners in Care, Hawaii Health and Harm Reduction Center, Hawaii Kai Homeless Task Force, and two individuals.

Your Committee received written comments on this measure from the Hawaii State Judiciary.

Your Committee finds that this measure will ease the burden on concerned parties navigating the assisted community treatment process so that certain individuals suffering from severe mental illness or substance abuse can get appropriate and timely care.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical nonsubstantive amendment for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1464, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1464, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1131 Ways and Means on S.B. No. 1490

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Land and Natural Resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and The Nature Conservancy.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Land and Natural Resources from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

- (1) Changing all appropriation amounts to unspecified sums;
- (2) Designating the Department of Land and Natural Resources as the expending agency for line items in the appropriations table that did not have an expending agency indicated;
- (3) Clarifying that the appropriations made in the measure are for operating costs, as opposed to capital improvement project costs:
- (4) Adding a severability clause;
- (5) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1490, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1490, S.D. 2.

Signed by the Chair on behalf of the Committee Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1132 Ways and Means on S.B. No. 317

The purpose and intent of this measure is to appropriate funds to the University of Hawaii to support student mentors and tutors at community colleges.

Your Committee received written comments in support of this measure from the University of Hawaii and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that peer mentoring and tutoring improves students' academic achievement and social development and provides student hires with important employment opportunities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 317 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1133 Ways and Means on S.B. No. 318

The purpose and intent of this measure is to appropriate funds for three full-time equivalent positions for custodial and maintenance staff at the University of Hawaii at Hilo.

Your Committee received written comments in support of this measure from the University of Hawaii System, Japanese Chamber of Commerce and Industry of Hawaii, and three individuals.

Your Committee finds that providing for additional custodial and maintenance staff will allow the University of Hawaii at Hilo to maintain and improve its campus facilities and grounds.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 318 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1134 Ways and Means on S.B. No. 346

The purpose and intent of this measure is to restrict the planting and authorize the removal of large trees that threaten to obstruct evacuation routes in the State.

Specifically, this measure:

- (1) Requires that the Hawaii Emergency Management Agency identify key evacuation routes in the State;
- (2) Prohibits the planting of large trees along identified evacuation routes;
- (3) Requires that the Hawaii Emergency Management Agency identify existing large trees along evacuation routes and trim, spray, or remove any tree that potentially could obstruct the evacuation route; and
- (4) Appropriates funds to the Hawaii Emergency Management Agency to effectuate the purposes of this measure.

Your Committee received written comments in support of this measure from the Hawaii Emergency Management Agency and one individual.

Your Committee received written comments in opposition to this measure from Trees for Honolulu's Future.

Your Committee finds that this measure will ensure that evacuation routes will be free and clear of obstruction by large trees, enabling swift evacuation and emergency response in the event of a natural disaster.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 346, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

## SCRep. 1135 Ways and Means on S.B. No. 379

The purpose and intent of this measure is to authorize the Governor to negotiate the exchange of state lands that are suitable for housing development for private lands that are suitable for long-term diversified agricultural production, and to report negotiated or potential land exchanges to the Legislature.

Your Committee received written comments in support of this measure from the Department of Agriculture, Agribusiness Development Corporation, and Hawaii Farm Bureau.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources.

Your Committee received written comments on this measure from the Office of Planning.

Your Committee finds that this measure provides opportunities to work with private land owners to negotiate mutually beneficial land exchanges and help the State reach its goals of food security and sustainability.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 379, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

# SCRep. 1136 Ways and Means on S.B. No. 1296

The purpose and intent of this measure is to appropriate funds to restore and preserve the Kahoolawe Island Reserve and for two full-time equivalent positions on the Kahoolawe Island Reserve Commission.

Your Committee received written comments in support of this measure from the County of Maui, Kahoolawe Island Reserve Commission, Ocean Tourism Coalition, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that the funding and positions provided for in this measure are needed to effectively restore, preserve, and determine the appropriate uses for the Kahoolawe Island Reserve.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1296, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

#### SCRep. 1137 Ways and Means on S.B. No. 1475

The purpose and intent of this measure is to require that the foreperson classification be recognized in Hawaii's version of the Davis-Bacon Act and requirements in a collective bargaining agreement be followed when a basic hourly rate is established by the agreement.

Your Committee received no written comments on this measure.

Your Committee finds that forepersons deserve wage protection and a level playing field when working on a public works project.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1475, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

#### SCRep. 1138 Ways and Means on S.B. No. 502

The purpose and intent of this measure is to require the Legislative Reference Bureau to inform the Legislature on the status and subject matter of all reports required by law or requested by concurrent resolutions.

More specifically, this measure requires:

- (1) Certain legislative officers to notify the Legislative Reference Bureau of the officer's receipt of a required or requested report;
- (2) The Legislative Reference Bureau to create and distribute to the Legislature a spreadsheet containing information on the status and subject of all required or requested reports, and notify the Legislature of any required or requested reports that have not been timely submitted; and
- (3) Reporting agencies to include certain information in their respective reports.

No written comments were received on this measure.

Your Committee finds that due to the number of reports and studies that are required by law or requested by legislative concurrent resolution to be submitted to the Legislature each year, such a system would facilitate a better accounting of when the requested reports have been filed with the Legislature.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 502, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

## SCRep. 1139 Ways and Means on S.B. No. 9

The purpose and intent of this measure is to allow landowners who participate in the section 8 housing voucher program to be reimbursed for tenant-caused property damage.

More specifically, this measure:

- (1) Requires the Hawaii Public Housing Authority to adopt rules to establish a program to reimburse landowners participating in the section 8 housing voucher program to be reimbursed for repair costs associated with tenant-caused damages in certain situations; and
- (2) Appropriates moneys to the Authority for the reimbursement program and to establish one full-time equivalent (1.0 FTE) position to assist and administer the reimbursement program.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority, Hawaii Association of REALTORS, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that providing incentives to property owners that participate in the section 8 housing voucher program will provide low-income families in the State with more opportunities to receive housing through the program.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 9, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 1140 Ways and Means on S.B. No. 498

The purpose and intent of this measure is to require the inclusion of affordable housing in certain development or redevelopment plans for state transit-oriented development along the rail transit corridor in Honolulu.

Your Committee received written comments in support of this measure from the Office of Planning and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Land Use Research Foundation of Hawaii and one individual.

Your Committee finds that there is a pressing need for affordable housing units in the State. Your Committee believes that establishing an affordable housing component as part of development and redevelopment plans of state properties along Honolulu's upcoming rail transit line will increase the availability of affordable housing and also encourage the use of the new transit system.

Your Committee notes that the Office of Planning has requested an amendment to the measure that authorizes the Office to exempt state development or redevelopment plans from the measure's affordable housing requirements when the Office determines, in consultation with the Hawaii Housing Finance and Development Corporation, that housing at the required affordability level is not feasible or desirable on a particular property.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 498, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

### SCRep. 1141 Ways and Means on S.B. No. 511

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Transportation Airports Division.

Your Committee received no written comments on this measure.

Your Committee finds that this measure adjusts the amounts appropriated or authorized for the Department of Transportation Airports Division from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 511, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

#### SCRep. 1142 Ways and Means on S.B. No. 512

The purpose and intent of this measure is to appropriate funds for the Harbors Division of the Department of Transportation.

Specifically, this measure:

- (1) Appropriates funds for the special maintenance program for the Hawaii harbors system (TRN301/CB); and
- (2) Reduces funding for the special maintenance program for harbors administration (TRN395/CB).

Your Committee received no written comments on this measure.

Your Committee finds that this measure will allow the Department of Transportation Harbors Division to increase the scope of work and the number of piers and wharves that can be maintained, repaired, replaced, or improved.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 512, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 1143 Ways and Means on S.B. No. 513

The purpose and intent of this measure is to appropriate funds for capital improvement projects for the harbors division of the Department of Transportation.

Your Committee received written comments on this measure from the Oahu Island Parks Conservancy.

Your Committee finds that the capital improvement projects included in this measure will help to make the operations of the State's vital seaports safer and more efficient.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 513, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

# SCRep. 1144 (Joint) Judiciary and Ways and Means on S.B. No. 412

The purpose and intent of this measure is to:

- (1) Require that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote unless the applicant affirmatively declines to be registered to vote; and
- (2) Authorize access and electronic transmission of databases maintained or operated by the counties or the Department of Transportation containing driver's license or identification card information to election officials and the statewide voter registration system.

Your Committees received testimony in support of this measure from the Office of Elections; Department of Transportation; Hawai'i State Commission on the Status of Women; County Clerk of the County of Hawai'i; Hawaiian Community Assets; Americans for Democratic Action; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; YPDA Hawai'i; League of Women Voters of Hawaii; Hawaii Appleseed Center for Law and Economic Justice; Sierra Club of Hawai'i; Aloha State Association for the Deaf; American Civil Liberties Union of Hawai'i; Transform Hawai'i Government; AVR Hawaii; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Common Cause Hawaii; Young Progressives Demanding Action; and twenty-five individuals. Your Committees received testimony in opposition to this measure from the Honolulu County Republican Party and six individuals.

Your Committees find that voter registration is a prerequisite to voter participation. Your Committees further find that automatic voter registration eliminates unnecessary barriers to voting caused by the time and effort needed for other registration methods. Your Committees additionally find that Hawaii has had the lowest voter turnout in the United States for the last twenty years. This measure will automatically register to vote any qualifying person who applies for a driver license or state identification card and ensure the accuracy of the voter registration rolls by electronically transmitting voter registration data between the driver license and identification card database and the statewide voter registration system.

Your Committees have amended this measure by:

- Clarifying that databases maintained or operated by the counties or Department of Transportation that are directly accessible
  and provided electronically to election officials and the statewide voter registration system may also be used for voter
  registration and election purposes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 412, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 412, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 1145 Judiciary on S.B. No. 1124

The purpose and intent of this measure is to facilitate the treatment of individuals with mental health issues by:

- (1) Providing that any interested party may file a petition for involuntary hospitalization or assisted community treatment alleging that another person has a mental illness and qualifies for assistance;
- (2) Requiring the court to assess whether a person meets the criteria for assisted community treatment before discharging a person who has been involuntarily hospitalized;
- (3) Authorizing the court to order a person to obtain assisted community treatment as an alternative to involuntary hospitalization; and
- (4) Clarifying the criteria for assisted community treatment.

Your Committee received testimony in support of this measure from Catholic Charities Hawai'i, Partners in Care, Mental Health America of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Institute for Human Services, and two individuals. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that although the State's assisted community treatment law was enacted in 2013 to help individuals with serious mental illnesses obtain the treatment and medication they need, assisted community treatment plans are rarely used. Your Committee further finds that increased use of outpatient assisted community treatment will help persons with mental illnesses get much needed treatment and reduce the burden that the existing cycle of emergency care and hospitalization places on the State's courts and public mental health infrastructure.

Your Committee has amended this measure by:

- (1) Clarifying that facilities and caregivers who take responsibility for coordination, management, and supervision of a person's treatment must do so voluntarily;
- (2) Requiring all criteria for an assisted community treatment order to be established based on the professional opinion of a psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization;
- (3) Specifying that a person's refusal or history of a lack of adherence to treatment which resulted in the person being dangerous to self or others is sufficient for the court to find dangerousness without a finding that the person is imminently dangerous;
- (4) Removing the requirement that the refusal or lack of adherence must have occurred on more than one occasion;
- (5) Changing the effective date to March 15, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1124, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1124, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1146 Judiciary on S.B. No. 645

The purpose and intent of this measure is to:

- (1) Require that the revocation of license period for operating a vehicle under the influence of an intoxicant be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person;
- (2) Establish requirements for removal of a required ignition interlock device; and
- (3) Allow a defendant to enroll/participate in an alcohol or substance abuse education or treatment program, or a sobriety program prior to conviction, which may count toward satisfying any mandatory enrollment/participation later ordered by the court.

Your Committee received testimony in support of this measure from the Department of Transportation; Casanova Powell Consulting; National 24/7 Advisory Council; Foundation for Advancing Alcohol Responsibility; Traffic Injury Research Foundation; Smart Start, LLC; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Strategic Highway Safety Plan; and one individual. Your Committee received testimony in opposition to this measure from SCRAM Systems.

Your Committee finds that ignition interlock systems are an effective way of preventing previous driving under the influence offenders from driving while drunk if the ignition interlock program is diligently adhered to. Your Committee further finds that allowing offenders to simply wait out the license revocation period is not consistent with the goals of the ignition interlock program. Your Committee additionally finds that a compliance-based removal system whereby offenders must prove compliance with ignition interlock program rules before their devices are removed is already the law in twenty-eight states. This measure will enhance the ignition interlock program by implementing best practices in the promotion of sober driving.

Your Committee has amended this measure by:

- Expanding the ignition interlock system to include other monitoring systems or technology that monitors a driver's alcohol
  concentration;
- (2) Authorizing the court to order that a person install an alternative monitoring system or technology that fulfills an equivalent function to an ignition interlock; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 645, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 645, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 1147 (Joint) Judiciary and Ways and Means on S.B. No. 567

The purpose and intent of this measure is to:

- (1) Require an individual to be examined upon commitment to a psychiatric facility for involuntary hospitalization to determine whether an assisted community plan is indicated and, if so, requires the Department of the Attorney General to assist with the petition for assisted community treatment and related court proceeding; and
- (2) Require the Department of Health to convene a mental health emergencies task force.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii Disability Rights Center, Catholic Charities Hawaii, Partners in Care, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that following emergency care or hospitalization, many mentally ill patients are released with no plan in place for follow-up care or treatment. Your Committees further find that the assisted community treatment program exists to provide care for such individuals in the community, but that many mentally ill individuals do not participate in community treatment plans. Your Committees additionally find that many private sector providers, community organizers, and families do not have the resources to negotiate the complex proceedings necessary to petition the court for an assisted community plan order. This measure will require individuals to be examined prior to discharge from psychiatric facilities to determine whether an assisted community plan is indicated and require the Department of the Attorney General to assist with assisted community plan petitions.

Your Committees have amended this measure by:

- (1) Expanding the examination requirement to include persons admitted to voluntary inpatient treatment at a psychiatric facility and persons delivered for emergency examination and hospitalization;
- (2) Clarifying that a psychiatric facility is not required to delay discharge after an examination is completed;
- (3) Changing the effective date to March 15, 2094, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 567, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 567, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

#### SCRep. 1148 (Joint) Judiciary and Ways and Means on S.B. No. 931

The purpose and intent of this measure is to:

- (1) Prohibit any person from possessing a fine-mesh net or fine-mesh trap on their person or within a vessel within state marine waters or on or about the shore where fish can be taken and impose a \$5,000 fine for violations;
- (2) Place a two-year moratorium on the commercial capture of aquatic life for aquarium purposes or under a commercial marine license through the use of fine-mesh nets or fine-mesh traps;
- (3) Require the Research Corporation of the University of Hawaii to evaluate the impacts of the Department of Land and Natural Resources' issuance of commercial aquarium permits on the island of Oahu and West Hawaii;
- (4) Require a cultural impact assessment in coordination with the Office of Hawaiian Affairs and Native Hawaiian cultural organizations;
- (5) Require the Department of Land and Natural Resources to establish a marine aquarium fishing advisory group; and
- (6) Make an appropriation.

Your Committees received testimony in support of this measure from One Ocean Conservation, Water Inspired Conservation Group, O'ahu County Commission on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committees received testimony in opposition to this measure from Coral Fish Hawaii; Hawaii Tropical Fish Association; Wayne's Ocean World, Inc.; Exotic Sealife International, Inc.; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; Tropical Marine Centre; and thirty-three individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, University of Hawai'i System, Research Corporation of the University of Hawaii, and one individual.

Your Committees find that prohibiting the commercial capture of Hawaii's reef wildlife will uphold constitutionally protected traditional and cultural practices. Removal of fish and other aquatic life for commercial purposes is contrary to these cherished principles.

Accordingly, your Committees have amended this measure by:

- Deleting its substantive provisions and establishing a prohibition on harvesting aquatic life for commercial aquarium purposes by any means effective March 1, 2024, other than activities conducted pursuant to a special activities permit or aquaculturist license;
- (2) Deleting the savings clause;
- (3) Changing the effective date to March 15, 2094, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 931, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 931, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

#### SCRep. 1149 (Joint) Judiciary and Ways and Means on S.B. No. 1529

The purpose and intent of this measure is to:

- (1) Establish the Hawaii State Energy Office;
- (2) Establish the Deputy Director of Energy;
- (3) Repeal the energy security special fund and end funding for the Hawaii clean energy initiative from the energy security special fund; and
- (4) Appropriate funds from the general fund for the Hawaii State Energy Office.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that the development of clean, resilient, and sustainable energy is a priority of the State. Your Committees further find that numerous entities within state government already exist to facilitate this goal, but that they lack a coherent legal framework for coordination. This measure will enable these entities to pool their resources and focus their efforts toward furthering the State's goals of energy resiliency and self-sufficiency.

Your Committees have amended this measure by:

(1) Removing language that repealed the energy security special fund;

- (2) Increasing the amount of tax on each barrel of petroleum product that is deposited into the energy systems development special fund from ten to fifteen cents;
- (3) Repealing the distribution of tax revenues from each one million British thermal units that are deposited into the energy security special fund;
- (4) Increasing the distribution of tax revenues from each one million British thermal units that are deposited into the energy systems development special fund from 9.5 to 14.3 percent; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1529, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1529, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 1150 (Joint) Ways and Means and Commerce, Consumer Protection, and Health on S.B. No. 553

The purpose and intent of this measure is to establish the broadband infrastructure grant program to provide grants for the purpose of subsidizing the costs of installing broadband infrastructure in locations that lack high speed internet access.

Your Committees received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Aloha Broadband; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Oahu County Democrats; and one individual.

Your Committees received written comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that certain rural areas of the State lack broadband service due, in part, to the excessively high cost to install infrastructure to serve a small number of subscribers. This measure will help to reduce infrastructure installation costs for those communities so they may benefit from the opportunities afforded by high-speed internet access.

Your Committees note that the broadband infrastructure grant program will require an appropriation of \$5,000,000 for fiscal year 2019-2020.

Your Committees have amended this measure by:

- (1) Changing the definitions of "broadband service" and "broadband infrastructure" to reference section 440J-1, Hawaii Revised Statutes:
- (2) Changing the definition of "underserved area" to require minimum speeds in proportion to the minimum broadband service speeds established by the Federal Communications Commission;
- (3) Deleting a duplicative provision authorizing a non-government infrastructure provider to be considered an eligible applicant;
- (4) Including a requirement that applicants to the broadband infrastructure grant program commit to complying with net neutrality principles;
- (5) Clarifying, with respect to a written challenge to an application, that the federal or state funding refers to the funds that are available to the applicant;
- (6) Clarifying the criteria of the scoring system used by the Department of Business, Economic Development, and Tourism to award the grants;
- (7) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (8) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 553, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 553, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 1151 (Joint) Ways and Means and Commerce, Consumer Protection, and Health on S.B. No. 364

The purpose and intent of this measure is to establish the professional tour guide certification task force within the Office of the Lieutenant Governor.

Your Committees received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Tourism Authority, and three individuals.

Your Committees received written comments on this measure from the University of Hawaii.

Your Committees find that, because tour guide certification could help to increase tourism in the State, a professional tour guide certification task force is appropriate to examine the issue of tour guide certification. Your Committees further find that the Department of Business, Economic Development, and Tourism is the appropriate entity in which to place the task force.

Your Committees have amended this measure by:

- (1) Providing that the Department of Business, Economic Development, and Tourism, rather than the Office of the Lieutenant Governor, shall be the agency in which the professional tour guide certification task force is placed and the expending agency for the appropriation;
- (2) Changing the membership of the task force;
- (3) Changing the head of the task force from a chairperson to two co-chairs;
- (4) Changing the preliminary report deadline from October 31, 2020, to November 30, 2019;
- (5) Changing the final report deadline from twenty days prior to the Regular Session of 2021, to twenty days prior to the Regular Session of 2020;
- (6) Deleting the appropriation for fiscal year 2020-2021; and
- (7) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 364, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 364, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Chang, Ruderman).

#### SCRep. 1152 (Joint) Ways and Means and Judiciary on S.B. No. 1310

The purpose and intent of this measure is to establish the individual housing accounts savings board in the Department of Budget and Finance to administer the individual housing accounts savings program.

This measure also:

- (1) Authorizes any taxpayer to establish an individual housing account in the name of a dependent of the taxpayer upon the birth of the dependent;
- (2) Expands the qualifying purposes for which an individual housing accounts tax deduction may be claimed;
- (3) Appropriates general funds for deposit into the individual housing accounts savings program administrative fund; and
- (4) Appropriates funds from the individual housing accounts savings program administrative fund for administrative and operating expenses of the individual housing accounts savings board.

Your Committees received written comments in support of this measure from Hawaiian Community Assets and the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committees received written comments on this measure from the Department of Taxation, Department of Budget and Finance, and Tax Foundation of Hawaii.

Your Committees find that the combination of a publicly-created individual housing accounts savings program and expanded uses of the individual housing accounts tax deduction will promote home ownership in the State.

Your Committees note that the Department of Taxation has requested that the measure apply to taxable years beginning after December 31, 2020. Your Committees also note that the Department of Budget and Finance recommended that the Legislature have the Legislative Reference Bureau conduct a thorough analysis of the individual housing accounts savings program proposed under this measure so that the Legislature may fully understand the costs, benefits, and feasibility of implementing a savings program for which it may be difficult to enroll enough participants to achieve an economy of scale.

Your Committees have amended this measure by:

- (1) Consolidating the new provision authorizing a taxpayer to establish an individual housing account in the names of dependents into the existing statutory provisions relating to a tax deduction for contributions to an individual housing account;
- (2) Authorizing the Department of Taxation to adopt rules to implement the program, including defining certain terms;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1310, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1310, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9; Ayes with Reservations (Harimoto). Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

Judiciary: Ayes, 5. Noes, none. Excused, none.

### SCRep. 1153 Ways and Means on S.B. No. 560

The purpose and intent of this measure is to make updates to the elections process.

Specifically, this measure:

- (1) Requires, beginning with the 2022 primary election, that all elections to be conducted by mail, with some accommodations;
- (2) Authorizes the electric transmission of ballots to and from voters in certain circumstances;
- (3) Requires the establishment of voter service centers to receive the personal delivery of election ballots and provide other voting services;
- (4) Establishes that when a tie occurs for a contested office, the result shall be determined by the drawing of lots;
- (5) Makes appropriations for costs relating to conducting elections by mail; and
- (6) Requires the Office of Elections to submit reports to the Legislature prior to the convening of each Regular Session from 2020 through 2025 regarding the Office's implementation of this measure.

Your Committee received written comments in support of this measure from the Office of Elections; Disability and Communication Access Board; Office of the County Clerk, County of Hawaii; Office of the County Clerk, County of Maui; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Appleseed Center for Law & Economic Justice; League of Women Voters of Hawaii; Planned Parenthood Votes Northwest and Hawaii; and three individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that an increasing number of voters in the State are choosing to submit their votes by mail or vote early. Accordingly, your Committee believes that it is appropriate for the State to transition to a system that primarily utilizes voting by mail, which will reduce the cost of conducting elections while also increasing the efficiency and accuracy of vote tabulation.

Your Committee has amended this measure by:

- (1) Correcting a reference to Act 182, Session Laws of 2018;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 560, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 560, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1154 Ways and Means on S.B. No. 592

The purpose and intent of this measure is to tie the State Librarian's salary to an amount equal to ninety percent of the Superintendent of Education's salary.

Your Committee received written comments in support of this measure from the Board of Education.

Your Committee finds that the statutory limit on the State Librarian's salary has not been increased since 2001. Tying the State Librarian's salary to a percentage of the Superintendent of Education's salary will obviate the need to periodically amend the law due to changing economic circumstances.

Your Committee has amended this measure by:

- (1) Changing the text of section 312-2.1(b), Hawaii Revised Statutes, to correspond to the printed version of the Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 592, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 592, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Kahele).

## SCRep. 1155 Ways and Means on S.B. No. 609

The purpose and intent of this measure is to enhance the security and resiliency of the State's critical infrastructure.

Specifically, this measure:

- (1) Creates a Homeland Security Resiliency Council to identify electric grid and other critical infrastructure needs;
- (2) Requires the Council to provide recommendations to enhance the grid and critical infrastructure resiliency of the State; and
- (3) Appropriates funds to support the Council.

Your Committee received written comments in support of this measure from the Board of Water Supply; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Land Use Research Foundation of Hawaii; and Hawaiian Electric Company, Inc.

Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Office of Planning; Office of Information Practices; and one individual.

Your Committee finds that the importance of infrastructure resilience continues to grow as the frequency and intensity of natural disasters facing the State rises due to the impacts of climate change.

Your Committee has amended this measure by:

- (1) Clarifying that the Homeland Security and Resiliency Council shall take appropriate measures to protect from public release any information that may be withheld from the public under the Uniform Information Practices Act, including information that, if released, could reasonably be expected to cause damage to public security;
- (2) Clarifying that the administrative head of each county's:
  - (A) Emergency management agency;
  - (B) Water supply department or board; and
  - (C) Agency with responsibility over environmental services or environmental management,

shall serve on the Council; and

(3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 609, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 609, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kidani).

#### SCRep. 1156 Ways and Means on S.B. No. 893

The purpose and intent of this measure is to require the counties to accept certain recyclable bottles that are accompanied by or adjoined to non-recyclable bottle caps.

More specifically, this measure:

- (1) Prohibits the counties from rejecting number 1 and 2 bottles presented for recycling solely because the bottles are accompanied by or adjoined to bottle caps made of materials that are not recycled by the respective county;
- (2) Requires the counties to separate the subject bottle caps from the recyclable bottles and dispose of the bottle caps;
- (3) Requires the counties to include polypropylene plastic and containers manufactured from polypropylene plastic in their respective feasibility assessments; and
- (4) Appropriates moneys to the respective counties to implement the measure.

Your Committee received written comments in opposition to this measure from Reynolds Recycling and one individual.

Your Committee notes that collectively, the counties will require \$200,000 for each fiscal year of fiscal biennium 2019-2021. However, your Committee also notes that the allocation amounts per county have not been determined.

Your Committee has amended this measure by:

- (1) Clarifying that each county shall receive an unspecified amount of the appropriation;
- (2) Changing the appropriation from \$200,000 to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 893, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 893, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

### SCRep. 1157 Ways and Means on S.B. No. 908

The purpose and intent of this measure is to establish a statewide sustainability division within the Office of Planning to ensure long-term planning, coordination, and implementation of Hawaii's sustainability goals and policies.

This measure also appropriates funds for establishing the division and its staffing positions.

Your Committee received written comments in support of this measure from the State Land Use Commission, Office of Planning, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Organizing for Action, Hawaii Farm Bureau, Ulupono Initiative, and one individual.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the State lacks a permanent governmental sustainability coordinating entity to assist with implementing the Hawaii 2050 Sustainability Plan and the State's numerous sustainability goals and policies. This measure establishes the requisite statutory framework to serve as the foundation for the State's sustainability policies, guidelines, and principles.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 908, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 908, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

## SCRep. 1158 Ways and Means on S.B. No. 934

The purpose and intent of this measure is to prohibit any waste or disposal facility from being located in a conservation district.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Department of Environmental Services of the City and County of Honolulu, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee finds that the State's conservation districts are intended to conserve, protect, and preserve naturally and culturally significant lands, and the uses of lands in those districts must be subject to careful scrutiny.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 934, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 934, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

## SCRep. 1159 Ways and Means on S.B. No. 1050

The purpose and intent of this measure is to establish and appropriate moneys for a task force to examine whether it is feasible for the State to establish and operate a housing loan program for state employees that is similar to the United States Department of Veterans Affairs' home loan program.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that lower- and moderate-income residents are often unable to obtain affordable housing and thus are most affected by the State's housing shortage. Your Committee also finds that many available positions with state government agencies remain vacant, due to the State's high cost of living and competition for labor from the private sector. Accordingly, your Committee believes that it may be beneficial for a task force to explore the feasibility of addressing these issues through the State's establishment of a home loan program for state employees that is similar to the United States Department of Veterans Affairs' home loan program for veterans.

Your Committee has amended this measure by:

- (1) Correcting a reference to the name of the Hawaii Housing Finance and Development Corporation;
- (2) Specifying that the Executive Director of the Hawaii Housing Finance and Development Corporation, or the Executive Director's designee, shall serve as the Chair of the task force;
- (3) Clarifying that a representative of the Hawaii Government Employees Association shall be invited to participate in the task force;
- (4) Inserting language to specify that the members of the task force shall serve without compensation from the State for their participation in the task force, but shall be reimbursed for expenses necessary for the performance of their duties;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1050, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1050, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

#### SCRep. 1160 Ways and Means on S.B. No. 1054

The purpose and intent of this measure is to encourage prudent pre-disaster planning in the State.

Specifically, this measure requires:

- The State and counties to incorporate predictions of sea level rise and other climate change hazards and mitigation opportunities into applicable plans, strategies, and mapping;
- (2) The Public Utilities Commission to consider the findings of the Hawaii Sea Level Rise Vulnerability and Adaptation Report by the Hawaii Climate Change Mitigation and Adaptation Commission and seek to avoid critical electrical infrastructure projects in areas of higher risk;
- (3) All floodplain mapping supported by state or county funding to include information from the Hawaii Sea Level Rise Vulnerability and Adaptation Report; and
- (4) Each county to participate in the National Flood Insurance Program's community rating system.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and Office of Planning.

Your Committee finds that incorporating predictions of sea level rise and other climate change hazards in the State's planning and decision-making processes will result in the State being better prepared for future weather-related events.

Your Committee has amended this measure by:

- (1) Requiring the Public Utilities Commission to seek to avoid all critical infrastructure projects in areas of higher risk, rather than just critical electrical infrastructure projects;
- (2) Requiring any public utility regulated by the Public Utilities Commission to incorporate the findings of the Hawaii Sea Level Rise Vulnerability and Adaptation Report into the utility's capital investment planning processes in any relevant applications and regular reports that may be filed with the Public Utilities Commission;
- (3) Removing a requirement that all floodplain mapping supported by state or county funding include information from the Hawaii Sea Level Rise Vulnerability and Adaptation Report;
- (4) Encouraging, rather than requiring, the counties to participate in the National Flood Insurance Program's community rating system;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making a technical nonsubstantive change for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1054, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1054, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Inouye).

# SCRep. 1161 Ways and Means on S.B. No. 1230

The purpose and intent of this measure is to authorize the Office of Youth Services to establish commercial enterprise vocational programs for young adults.

Your Committee received written comments in support of this measure from the Department of Human Services and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that requiring young adults to possess a high school diploma or its equivalent as a prerequisite to participating in the commercial enterprise vocational programs of the Office of Youth Services may be too restrictive and create unnecessary barriers to promoting the self-sufficiency of the persons those programs are meant to assist.

Your Committee has amended this measure by:

- (1) Deleting the requirement that young adults participating in commercial enterprise vocational programs possess a high school diploma or equivalent;
- (2) Changing the appropriations from unspecified amounts to \$50,000;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1230, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1230, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

#### SCRep. 1162 Ways and Means on S.B. No. 1276

The purpose and intent of this measure is to increase the Department of Transportation's authority over the motor carrier vehicle safety inspection program.

Specifically, this measure requires the Director of Transportation to adopt administrative rules for the administration and enforcement of motor carrier vehicle safety inspections, including setting the fees charged for inspections.

Your Committee received written comments in support of this measure from the Department of Transportation.

Your Committee finds that the Department of Transportation recognizes a need to upgrade the motor carrier vehicle safety inspections program from the current paper-based system to an electronic system. Your Committee also finds that subjecting the administration and enforcement of the program to the administrative rulemaking process will assist the department in modernizing its operations.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1276, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1276, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

## SCRep. 1163 Ways and Means on S.B. No. 1286

The purpose and intent of this measure is to establish that the district courts shall have original jurisdiction in civil suits for specific performance when the fair market value of the specific performance does not exceed \$40,000.

Your Committee received written comments in support of this measure from the Judiciary and the Collection Section of the Hawaii State Bar Association

Your Committee finds that although the jurisdictional limits for many actions in the district courts have increased over time, the jurisdictional limits for cases involving specific performance have not. Your Committee therefore believes that it is appropriate to resolve this inconsistency and increase the limit for actions for specific performance.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1286, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1286, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

### SCRep. 1164 Ways and Means on S.B. No. 1293

The purpose and intent of this measure is to grant the Governor emergency powers to suspend laws that would interfere with the operation of a mutual assistance agreement between a public utility and an out-of-state utility during an emergency or natural disaster.

Your Committee received written comments in support of this measure from the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Gas; and Hawaiian Electric Company, Inc.

Your Committee finds that lending mutual assistance during emergencies or natural disasters is a common practice among utilities across the United States and its territories.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1293, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1293, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

# SCRep. 1165 Ways and Means on S.B. No. 1380

The purpose and intent of this measure is to establish a stronger policy framework for the State's sustainability efforts.

More specifically, this measure:

- (1) Assigns responsibility for sustainability coordination and planning to the Office of Planning;
- (2) Repeals the requirement that the Auditor, with assistance from the Office of Planning, update the Hawaii 2050 Sustainability Plan every ten years; and
- (3) Requires the Office of Planning to update the Hawaii 2050 Sustainability Plan by 2021 and every ten years thereafter.

Your Committee received written comments in support of this measure from the Office of Planning, Office of the Auditor, Maui Chamber of Commerce, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Organizing for Action, Ulupono Initiative, and Hawaii Farm Bureau.

Your Committee finds that the Office of Planning is the appropriate office to manage the State's sustainability efforts, given that office's substantive knowledge of state policies, strategies, and priorities on sustainability and climate change.

Your Committee has amended this measure by:

- (1) Amending section 3 of the measure to comport with standard drafting conventions;
- (2) Deleting unnecessary provisions on page 4, lines 6-8; and page 5, lines 7-9;
- (3) Changing the appropriation of \$500,000 in fiscal years 2019-2020 and 2020-2021 to unspecified amounts; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1380, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1380, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

### SCRep. 1166 Ways and Means on S.B. No. 1403

The purpose and intent of this measure is to provide greater protection to the Maui Molokini shoal marine life conservation district.

Specifically, this measure provides that a total of:

- (1) Forty permits shall be issued for the district; and
- (2) Twenty permit holders shall be granted access into the crater in the district at any one time.

Your Committee received written comments in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Ocean Tourism Coalition, Calypso Charters, Trilogy Corporation, and one individual.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources and The Nature Conservancy.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that certain marine life conservation districts are worthy of special treatment due to their environmental and scenic importance and their ability to conserve and replenish marine reserves.

Your Committee has amended this measure by:

- (1) Applying the measure to any marine life conservation district not accessible by land instead of just the Maui Molokini shoal marine life conservation district alone;
- (2) Limiting the number of access permits to a relevant district to no more than forty;
- (3) Limiting access to a relevant district at any one time to no more than fifty percent of the current number of permit holders; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1403, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1403, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 1167 Ways and Means on S.B. No. 1542

The purpose and intent of this measure is to authorize the Director of Finance to issue general obligation bonds and to appropriate the proceeds thereof to fund the design and construction of an exploratory well for the proposed Kunia Wells IV pump station.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Agribusiness Development Corporation, City and County of Honolulu Board of Water Supply, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Local Food Coalition, Land Use Research Foundation of Hawaii, Lokoea Farms, Maui Farmers Union United, Hawaii Farm Bureau, Hawaii Crop Improvement Association, Hawaii Farmers Union, Hawaii Cattlemen's Council, and eleven individuals.

Your Committee finds that this measure will assist the City and County of Honolulu Board of Water Supply in locating and developing new water sources to meet the irrigation needs of the agricultural industry in Kunia.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1542, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1542, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Shimabukuro, Fevella).

## SCRep. 1168 Ways and Means on S.B. No. 661

The purpose and intent of this measure is to promote the use of fuel cell electric vehicles within the State.

Specifically, the measure:

- (1) Establishes procurement priority for fuel cell electric vehicles for state and county vehicle purchases; and
- (2) Includes fuel cell electric vehicles among the electric vehicles:
  - (A) For which the Department of Transportation may adopt rules relating to vehicle registration and special license plates;
  - (B) That are exempt from high occupancy vehicle lane restrictions and certain parking fees.

Your Committee received written comments in support of this measure from the Ulupono Initiative; Alliance of Automobile Manufacturers; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Servco Pacific, Inc.; and one individual.

Your Committee believes that this measure will encourage the increased use of fuel cell electric vehicles and thus reduce carbon emissions, significantly improve transportation efficiency, and enhance the quality of life in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 661, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

### SCRep. 1169 Ways and Means on S.B. No. 1134

The purpose and intent of this measure is to make an appropriation to create a community-based long-range plan for Heeia State Park and to plan and construct an education center for the Heeia National Estuarine Research Reserve System.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources Aha Moku Advisory Committee, Nature Conservancy, Heeia National Estuarine Research Reserve, Koolaupoko Hawaiian Civic Club, Koolau Foundation, and Kahuluu Neighborhood Board #29.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Kamaaina Kids, and one individual.

Your Committee finds that the proposed community-based long-range plan and education center would contribute to greater community engagement at Heeia State Park and increase local and national support for the region's research, education, and restoration efforts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1134, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Taniguchi).

## SCRep. 1170 Ways and Means on S.B. No. 303

The purpose and intent of this measure is to facilitate the establishment of gardens on certain property controlled by the State.

Specifically, the measure:

- Authorizes the Department of Education to develop programs that provide incentives for the development of gardens on school property; and
- (2) Authorizes the Hawaii Community Development Authority to develop programs that provide incentives for the development of gardens in housing projects, communities, and schools.

Your Committee received written comments in support of this measure from the University of Hawaii, Department of Health, Hawaii County Council, Hawaii State Teachers Association, and two individuals.

Your Committee received written comments on this measure from the Department of Education and Hawaii Farm to School Hui.

Your Committee finds that school and community gardens can strengthen partnerships between state agencies, improve access to healthy food options, increase consumption of healthy fruits and vegetables, and reinforce behaviors that reduce the risk of chronic diseases.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 303 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

## SCRep. 1171 Ways and Means on S.B. No. 1498

The purpose and intent of this measure is to refine the process of selecting arbitrators for collective bargaining in the public sector.

Specifically, the measure requires the Hawaii Labor Relations Board to:

- Distinguish among mediators, grievance arbitrators, and interest arbitrators, or combinations thereof, when producing lists of qualified persons;
- (2) Request from the American Arbitration Association that its list of five arbitrators from which parties will choose the neutral member of an arbitration panel comprise experienced interest arbitrators; and
- (3) Review and determine the qualifications and criteria of the five persons whose names are on the list furnished by the American Arbitration Association.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association and Hawaii Fire Fighters Association, Local 1463.

Your Committee received written comments on this measure from the Hawaii Labor Relations Board.

Your Committee finds that due to the fundamental difference between resolving contractual disputes, which are handled by grievance arbitrators, and determining the provisions of contracts, which are handled by interest arbitrators, it is not only appropriate to statutorily segregate the two, but it is necessary to require the Hawaii Labor Relations Board to determine the qualifications of each.

Your Committee notes that the Hawaii Labor Relations Board requests that the measure be amended to either:

- (1) Provide an appropriation for one researcher position with a salary range of \$45,000 to \$60,000 for the review and determination of nominee qualifications as required under this measure; or
- (2) Amend the statutes to remove the American Arbitration Association from its role in the arbitration process and require the Hawaii Labor Relations Board to choose the neutral arbitrator on an arbitration panel from the list of qualified persons that the Board produces.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1498, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Taniguchi).

## SCRep. 1172 Ways and Means on S.B. No. 1512

The purpose and intent of this measure is to require the University of Hawaii, West Oahu, to offer a baccalaureate program in creative media.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Waianae High School; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and four individuals.

Your Committee finds that the establishment of a baccalaureate program in creative media at the University of Hawaii, West Oahu, will enhance the position of the campus as the designated hub for creative media education in the University of Hawaii system and raise the job qualifications of the program's graduates.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1512, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

# SCRep. 1173 Ways and Means on S.B. No. 97

The purpose and intent of this measure is to facilitate the administration of elections.

Specifically, this measure:

(1) Establishes that databases containing driver's license and civil identification card information shall be electronically accessible by election officials and the statewide voter registration system for any election purpose;

- (2) Requires the Office of Elections to join the Electronic Registration Information Center; and
- (3) Requires the Office of Elections and the counties to verify their respective voter registration rolls.

Your Committee received written comments in support of this measure from the Office of Elections, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, League of Women Voters of Hawaii, and two individuals.

Your Committee finds that ensuring the accuracy and integrity of voter registration rolls is a vital component of the elections process.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 97, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 97, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1174 Ways and Means on S.B. No. 276

The purpose and intent of this measure is to appropriate an unspecified amount of funds to the Department of Public Safety.

No written comments were received on this measure.

Your Committee finds that the renovations of the Women's Community Correctional Center Hookipa Makai Cottage are expected to be completed in January 2021. Authorizing the staff positions for the cottage without funding for the 2019-2020 fiscal year will assist in the process to recruit individuals to fill those positions for the 2020-2021 fiscal year.

Your Committee further finds that delays in the repair of a housing module at Halawa Correctional Facility require that the two-hundred forty-eight inmates who were previously relocated to the Saguaro Correctional Center in Arizona so those repairs could be made must remain in Saguaro for six additional months because the project is taking more time than was anticipated. Accordingly, additional funds are required to finance those housing costs and to fund costs to return the inmates to Hawaii.

Your Committee has amended this measure by deleting its contents and inserting provisions that:

- (1) Authorize twenty-three full-time equivalent (23.00 FTE) permanent staff positions for the Women's Community Correctional Center Hookipa Makai Cottage;
- (2) Appropriate funds for fiscal year 2020-2021 for the twenty-three full time equivalent staff positions for the Women's Community Correctional Center Hookipa Makai Cottage; and
- (3) Appropriate funds for housing costs of two hundred forty-eight inmates at Saguaro Correctional Center in Arizona and for costs to return the inmates to Hawaii.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 276, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 276, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1175 Ways and Means on S.B. No. 315

The purpose and intent of this measure is to appropriate funds to the University of Hawaii in order to increase the graduate assistant stipend.

Your Committee received written comments in support of this measure from the University of Hawaii and one individual.

Your Committee finds that increased stipend levels will facilitate the recruitment and retention of top candidates for graduate assistant positions at the university.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 315, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 315, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

## SCRep. 1176 Ways and Means on S.B. No. 366

The purpose and intent of this measure is to plan for and mitigate the impacts of Alzheimer's disease.

Specifically, the measure appropriates moneys to the Executive Office on Aging to fund:

- (1) The position of Alzheimer's disease and related dementia services coordinator; and
- (2) An update to the Alzheimer's disease and related dementias state plan and strategies for service coordination.

Your Committee received written comments in support of this measure from the University of Hawaii, Maui County Office on Aging, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and one individual.

Your Committee received written comments on this measure from the Executive Office on Aging and one individual.

Your Committee finds that this measure will provide sustained coordination and meet the long-term goals of the Alzheimer's and related dementias state plan by funding a dedicated staff position within the Executive Office on Aging and allowing the office to obtain third-party assistance to update the Alzheimer's and related dementias state plan.

Your Committee has amended this measure by:

- (1) Specifying that funds shall be appropriated to the Department of Health for one full-time equivalent (1.0 FTE) program specialist IV position in the Executive Office on Aging to coordinate Alzheimer's disease and related dementia services in the State, including updating the state plan on Alzheimer's disease and related dementias;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 366, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 366, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

## SCRep. 1177 Ways and Means on S.B. No. 382

The purpose and intent of this measure is to adjust the formula for the transient accommodations tax imposed on time share units.

Specifically, the measure increases the fair market rental value base upon which a time share unit is taxed to an unspecified percentage of the gross daily maintenance fees paid by the unit owner and attributable to the unit.

Your Committee received written comments in opposition to this measure from American Resort Development Association--Hawaii and the Kohala Coast Resort Association.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the formula for imposing the transient accommodations tax on time share units has not been updated since 1998, when the State began imposing the tax on those units. Your Committee believes that it is reasonable to update the formula to better reflect changes in the economy and the industry that have occurred since then, as this measure proposes.

Your Committee has amended this measure by:

- (1) Establishing that the base upon which a time share unit is taxed shall be equal to the gross daily maintenance fees that are paid by the unit owner and are attributable to the unit; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 382, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 382, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8; Ayes with Reservations (Inouye, Kanuha, Fevella). Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1178 Ways and Means on S.B. No. 393

The purpose and intent of this measure is to ensure that coastal zone management and planning acknowledge and mitigate the effects of sea level rise.

Specifically, the measure:

- (1) Amends coastal zone management laws to further protect against the impacts of sea level rise and coastal erosion;
- (2) Requires new developments to plan for the impacts of projected sea level rise; and
- (3) Prohibits development in areas significantly affected by projected sea level rise.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Aha Moku Advisory Committee; IMUAlliance; Sierra Club of Hawaii; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and one individual.

Your Committee received written comments in opposition to this measure from the Hawaiian Electric Company, Inc.

Your Committee received written comments on this measure from the Office of Planning and one individual.

Your Committee finds that this measure improves the State's coastal zone management laws in anticipation of sea level rise, a matter of significant public concern.

Your Committee has amended this measure by:

- (1) Deleting a provision that reduced the cost threshold for special management area use permits and special management area minor permits;
- (2) Deleting from the special management area use permit procedure a provision exempting any permits for uses within the state conservation district;
- (3) Deleting the word "temporary" from a reference to protected legal structures for which a public hearing regarding a variance application may be waived;
- (4) Including facilities owned by a public utility regulated pursuant to chapter 269, Hawaii Revised Statutes, as protected legal structures for which a public hearing regarding a variance may be waived;
- (5) Restoring county authority to grant discretionary variances for private facilities or improvements within the shoreline area, while also restricting new shoreline hardening structures;
- (6) Adding a definition for the term "coastal hazards" to chapter 205A, Hawaii Revised Statutes, and making conforming amendments to statutes using this term;
- (7) Changing the term "replacement" to "restoration" in reference to coastal resources;
- (8) Changing the term "civil defense" to "emergency management";
- (9) Prohibiting the construction of private, and minimizing the construction of public, shoreline hardening structures at sites with sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;
- (10) Specifying that the "beach protection" objective of the coastal zone management program includes avoiding grading of and damage to coastal dunes;
- (11) Restoring as part of the "beach protection" objectives of the coastal zone management program certain prohibitions against private property owners creating public nuisances involving vegetation;
- (12) Requiring that construction or reconstruction of a single-family residence must not be situated on a parcel impacted by waves, storm surges, high tide, or shoreline erosion, in order to be exempt from the definition of "development" in the State's coastal zone management plan;
- (13) Deleting a provision that amended section 205A-44(a), Hawaii Revised Statutes, which would have deleted the prohibition exception for the inadvertent taking of sand or other marine deposits from a shoreline area;
- (14) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (15) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 393, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 393, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Shimabukuro, Taniguchi).

## SCRep. 1179 Ways and Means on S.B. No. 471

The purpose and intent of this measure is to reduce homelessness in Hawaii.

Specifically, this measure:

- (1) Appropriates moneys to the Department of Human Services to fund outreach, housing, family assessment, and other homeless services and initiatives;
- (2) Appropriates moneys to the Department of Health for the Law Enforcement Assisted Diversion program; and
- (3) Requires the Department of Health to establish a long-term rental assistance pilot program and appropriates moneys to fund the program.

Your Committee received written comments in support of this measure from the Department of Human Services; Governor's Coordinator on Homelessness; County of Hawaii Mayor's Office; County of Hawaii Office of the Prosecuting Attorney; Hawaii County Council; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Youth Services Network; Hawaii Island HIV/AIDS Foundation; Hawaii Health and Harm Reduction Center; Habitat for Humanity Hawaii Island, Inc.; Catholic Charities Hawaii; ALEA Bridge; Partners in Care; HOPE Services Hawaii; Hawaii Kai Homeless Task Force; Big Island Substance Abuse Council; and seven individuals.

Your Committee received written comments in opposition to this measure from the Department of Health.

Your Committee finds that this measure will provide necessary funding to continue various programs that have shown promising results in addressing the complex problem of homelessness in Hawaii. Your Committee further finds that establishing a long-term rental assistance pilot program will assist elders who are homeless or at imminent risk of becoming homeless, so that they may find and retain permanent housing.

Your Committee has amended this measure by:

- (1) Changing the appropriations to the Department of Human Services and the Department of Health, respectively, to unspecified
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 471, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 471, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1180 Ways and Means on S.B. No. 495

The purpose and intent of this measure is to establish a presumption relating to the liability for state income taxation of certain businesses located outside of the State.

Specifically, this measure establishes a statutory presumption that a person who lacks physical presence in the State systematically and regularly engages in business in the State and is therefore liable for state income tax if, during a calendar year:

- (1) The person engages in two hundred or more business transactions with persons within the State; or
- (2) The sum of the value of the person's gross income attributable to sources in the State equals or exceeds \$100,000, or for a person that does business within and without the State, the numerator of the person's sales factor for the State equals or exceeds \$100,000.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure is intended to establish the State's authority to collect income taxes from out-of-state businesses when they conduct transactions with persons located in Hawaii.

Your Committee notes that, in its written comments, the Tax Foundation of Hawaii suggested that:

- (1) Chapter 231, Hawaii Revised Statutes, be amended to apply the nexus presumptions broadly so qualifying out-of-state businesses are subject to liability for more applicable state taxes; and
- (2) The provision that calculates a person's sales factor as a basis for determining tax liability be deleted.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 495, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 495, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Riviere).

## SCRep. 1181 Ways and Means on S.B. No. 517

The purpose and intent of this measure is to require each county to prepare a housing supply plan regarding projected increases in the housing supply to meet housing demands in the State among persons of all income levels.

Your Committee received written comments in support of this measure from the Chamber of Commerce of Hawaii and Building Industry Association of Hawaii.

Your Committee received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committee recognizes that there is a shortage of housing in Hawaii that is affordable to lower-income individuals and families. Your Committee therefore believes that it is appropriate for the counties to take proactive measures to plan to increase the housing supply.

Your Committee has amended this measure by:

- (1) Authorizing instead of requiring each county to include the county's housing supply plan in its general plan;
- (2) Inserting appropriations of unspecified amounts for fiscal years 2019-2020 and 2020-2021 to each county for the preparation and execution of its housing supply plan;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 517, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 517, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 13; Ayes with Reservations (Harimoto). Noes, none. Excused, none.

### SCRep. 1182 Ways and Means on S.B. No. 519

The purpose and intent of this measure is to assist small- to medium-sized farms to obtain federal Department of Agriculture Good Agricultural Practices certification, or an equivalent, by establishing a food safety certification training program in the State, and appropriating funds for this purpose.

Your Committee received written comments in support of this measure from the Department of Agriculture, University of Hawaii, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Food Industry Association, North Shore Economic Vitality Partnership, Oahu Resource Conservation and Development Council, Ulupono Initiative, Hawaii Farm Bureau, and one individual.

Your Committee finds that by requiring the University of Hawaii College of Tropical Agriculture and Human Resources to partner with the local agriculture community to develop and establish a food safety certification training program, this measure will help local farms meet the first requirement of the federal Food Safety Modernization Act and spur an increase in the supply of locally grown food. Your Committee also finds that an appropriation of \$150,000 in each year of fiscal biennium 2019-2021 is necessary to achieve the intent of this measure.

Your Committee has amended this measure by:

- (1) Changing the amounts appropriated to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 519, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 519, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Shimabukuro).

## SCRep. 1183 Ways and Means on S.B. No. 523

The purpose and intent of this measure is to protect the State from invasive species.

Specifically, this measure:

- Establishes the invasive species rapid response special fund for purposes of mitigating or eradicating newly detected invasive species threats;
- (2) Makes various appropriations related to eradicating invasive species; and
- (3) Requires the Department of Agriculture to submit a report to the Legislature prior to the 2020 Regular Session on the feasibility and planning of the construction of a biological control research and containment facility.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Office of the Mayor, County of Hawaii; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaii Farm Bureau; The Nature Conservancy; Hawaii Cattlemens Council; Oahu County Democrats; and four individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee recognizes that invasive insects, disease-bearing organisms, snakes, weeds, and other pests threaten the State's economy, its natural environment, and the health and lifestyle of its people. Your Committee therefore believes that the State should improve its efforts to mitigate the threats and impacts of these invasive species.

Your Committee has amended this measure by:

- (1) Inserting an appropriation of an unspecified amount from the invasive species rapid response special fund for fiscal years 2019-2020 and 2020-2021 for purposes of the fund;
- (2) Changing the other appropriations in the measure to unspecified amounts;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 523, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 523, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

#### SCRep. 1184 Ways and Means on S.B. No. 1264

The purpose and intent of this measure is to make an emergency appropriation of general funds for the temporary housing of two hundred forty-eight Halawa Correctional Facility inmates who are currently housed at an out-of-state facility.

Your Committee received written comments in support of this measure from the Department of Public Safety.

Your Committee finds that this measure will provide necessary funds to house two hundred forty-eight inmates at an out-of-state facility during the remaining six months of fiscal year 2018-2019 while repairs and improvements to security electronics and hardware are being completed at Halawa Correctional Facility.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1264 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1185 Ways and Means on S.B. No. 1091

The purpose and intent of this measure is to appropriate funds to the Department of Transportation for capital improvement projects.

Your Committee received written comments in support of the version of the measure as received by the Committee from the Department of Transportation.

Prior to decision making on this measure, heavy rains triggered landslides on the slopes adjacent to the Pali Highway in the City and County of Honolulu, closing the highway and leading the Governor to declare the Pali Highway and affected adjacent lands to be disaster areas. Your Committee made available for public review a proposed Senate Draft No. 2 (Proposed Draft) of this measure, which amends the measure by replacing its entire contents with provisions that appropriate emergency funds for landslide relief efforts on the Pali Highway.

Your Committee received testimony in support of the Proposed Draft from the Department of Transportation, Oahu County Democrats, and one individual.

Prior to a public hearing on the Proposed Draft, a similar landslide damaged and closed the Honoapiilani Highway in the County of Maui. The Governor issued a supplementary proclamation, declaring a disaster near and between mile marker thirty-six and mile marker forty-two on the Honoapiilani Highway.

Your Committee finds that an emergency appropriation is necessary to mitigate landslide damages on the Pali Highway and Honoapiilani Highway and to fund efforts to remove debris, assess landslide and rockfall risks, scale slopes, remove additional materials that pose risks, and construct landslide rockfall protection for the public's safety.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

- (1) Designating the Honoapiilani Highway as an additional beneficiary of the emergency appropriation;
- Authorizing the Department of Transportation to expend funds for the maintenance of limited access restrictions on the Honoapiilani Highway;
- (3) Noting that the relief projects may qualify for Federal Highway Administration emergency relief and that the Federal Highway Administration may reimburse up to eighty percent of the projects' cost upon their completion;
- (4) Requiring any amounts received from the Federal Highway Administration for qualified federal highway relief to be deposited into the general fund;
- (5) Specifying that any unencumbered appropriation shall lapse as of June 30, 2020; and
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1091, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1091, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Fevella).

### SCRep. 1186 Ways and Means on S.B. No. 1163

The purpose and intent of this measure is to adjust tax incentives offered for renewable energy systems.

Specifically, this measure replaces the current renewable energy technologies income tax credit with separate tax credits for solar energy systems, wind energy systems, and commercial seawater air conditioning systems.

Your Committee received written comments in support of this measure from Adon Renewables; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; Hawaiian Electric Company, Inc.; Honolulu Seawater Air Conditioning; and two individuals.

Your Committee received written comments in opposition to this measure from the Alliance for Solar Choice, Tesla, and Hawaii Solar Energy Association.

Your Committee received written comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, and Ulupono Initiative.

Your Committee finds that the cost of installing solar energy systems has been rapidly declining. Accordingly, your Committee finds that this measure gradually decreases the amount of the allowable tax credits in recognition of the reduced need for these types of incentives.

Your Committee has amended this measure by:

- (1) Changing the applicable cap amounts for the tax credits;
- (2) Removing the separate cap amount for multi-family residential property classified as low-income housing, affordable housing, or senior housing;
- (3) Providing that a utility solar energy system is eligible for a credit only if it is owned or procured by an electric utility under a power purchase agreement with an unregulated and unaffiliated independent power producer; provided that the ownership or power purchase agreement has been approved by the Public Utilities Commission;
- (4) Amending the definition of "grid-connected" to:
  - (A) Require that the electric system be connected and normally operated in parallel with the electric grid; and
  - (B) Provide that the term applies to wind energy systems as well as solar energy systems;
- (5) Requiring a solar or wind energy system to meet a total output capacity requirement to qualify for a tax credit;
- (6) Correcting a cross-reference to a provision relating to utility rebates;
- (7) Correcting a cross-reference to a provision allowing a taxpayer to receive a refund of the taxpayer's excess credit amount under certain conditions:
- (8) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (9) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1163, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1163, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

#### SCRep. 1187 Ways and Means on S.B. No. 1277

The purpose and intent of this measure is to prohibit the initial registration of motor carrier vehicles by any motor carrier that is in violation of certain federal or North American motor carrier safety regulations and the laws compatible with those regulations.

Your Committee received written comments in support of this measure from the Department of Transportation.

Your Committee finds that the Department of Transportation has indicated that the amendments made by this measure will establish the State as "PRISM Equivalent" under the federal Performance Registration Information Systems Management program and related federal requirements and thus enable the State to continue receiving certain federal grant funding.

Your Committee has amended this measure by:

- (1) Correcting a reference to 49 Code of Federal Regulations section 392.5;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1277, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1277, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 13. Noes, none. Excused, none.

## SCRep. 1188 (Majority) Ways and Means on S.B. No. 1474

The purpose and intent of this measure is to increase the general excise tax and use tax by one-half of one percent to provide a dedicated funding source for the Department of Education and the University of Hawaii.

Your Committee received written comments in support of this measure from the Department of Education, University of Hawaii, King David Kalakaua Middle School, Lanai High and Elementary School, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Democratic Party of Hawaii Labor Caucus, Democratic Party of Hawaii Education Caucus, Oahu County Democrats, Americans for Democratic Action Hawaii, Parents for Public Schools Hawaii, Democratic Party of Hawaii, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Retail Merchants of Hawaii, Maui Chamber of Commerce, Hawaii Food Industry Association, Land Use Research Foundation of Hawaii, Hawaii Association of REALTORS, Chamber of Commerce Hawaii, and seven individuals.

Your Committee received written comments on this measure from the Department of Taxation, Department of Budget and Finance, Tax Foundation of Hawaii, Hawaii Appleseed Center for Law and Economic Justice, and Grassroot Institute of Hawaii.

Your Committee finds that public schools in the State are severely underfunded. Teacher compensation is far below the national average, resulting in a chronic shortage of available qualified teachers. Your Committee further finds that, on average, state public schools are more than sixty years old and that the Department of Education's repair and maintenance backlog currently stands at \$860,000,000.

Your Committee has amended this measure by:

- (1) Clarifying that all additional general excise tax revenues generated and collected pursuant to this measure shall be used as a funding source for the Department of Education and the University of Hawaii;
- (2) Inserting provisions to specify that all additional use tax revenues generated and collected pursuant to this measure shall be used as a funding source for the Department of Education and the University of Hawaii;
- (3) Making corrections to the quoted text of section 238-2, Hawaii Revised Statutes, in the measure to accurately reflect the printed version of the Hawaii Revised Statutes; and
- (4) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1474, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1474, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, 2 (Inouye, Riviere). Excused, none.

#### SCRep. 1189 Ways and Means on S.B. No. 1530

The purpose and intent of this measure is to revitalize Aloha Stadium and surrounding lands.

Specifically, this measure:

- (1) Establishes the stadium development district under the jurisdiction of the Hawaii Community Development Authority to expedite the redevelopment of Aloha Stadium and surrounding areas;
- (2) Authorizes the Department of Land and Natural Resources to provide written concurrence, based on a phased review, regarding any project in the stadium development district for historical preservation purposes; and
- (3) Authorizes the issuance of revenue bonds and general obligation bonds and appropriates funds to establish the stadium development district and build a new stadium.

Your Committee received written comments in support of this measure from the Stadium Authority.

Your Committee received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committee received written comments on this measure from the Department of Land and Natural Resources and League of Women Voters of Hawaii.

Your Committee finds that it is in the best interests of the State and its people to redevelop, renovate, or improve the lands under the jurisdiction of the Stadium Authority in a thoughtful manner to provide suitable recreational, residential, educational, and commercial areas.

Your Committee has amended this measure by:

- (1) Authorizing the Stadium Authority to acquire and hold title to real property;
- (2) Transferring title of all lands comprising the stadium development district to the Stadium Authority;
- (3) Exempting lands owned by the Stadium Authority from the definition of public lands;
- (4) Removing provisions authorizing the issuance of revenue bonds;
- (5) Changing the amount of general funds appropriated from \$100,000,000 to \$50,000,000;
- (6) Authorizing the Director of Finance to issue \$150,000,000 in reimbursable general obligation bonds;
- (7) Increasing the general obligation bond appropriation from \$100,000,000 to \$150,000,000;
- (8) Lapsing any remaining amounts of the appropriation made by Act 49, Session Laws of Hawaii 2017, for a master plan and environmental impact study for the Aloha Stadium facilities and site, and re-appropriating the lapsed amount to the Hawaii Community Development Authority for the establishment and development of the stadium development district;
- (9) Providing that funds appropriated by the measure shall not lapse until June 30, 2022;
- (10) Providing that revenues from the stadium development district shall be deposited into a stadium development subaccount of the Hawaii community development revolving fund; and
- (11) Establishing authorized uses of moneys in the stadium development district subaccount, including a requirement that a portion of the funds be used for the reimbursement of the general fund for the costs associated with the reimbursable general obligation bonds.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1530, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1530, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

#### SCRep. 1190 Ways and Means on S.B. No. 162

The purpose and intent of this measure is to establish a refundable tax credit for taxpayers who hire an elderly individual.

Prior to a public hearing on the measure, a proposed Senate Draft No. 2 (Proposed Draft) was circulated for public review and comment.

The Proposed Draft deleted the contents of the measure as received by your Committee and inserted provisions that:

- (1) Increase the rental motor vehicle surcharge tax for lessees from \$3 to \$5 for each day, or portion of a day, that a rental motor vehicle is rented;
- (2) Repeal the additional surcharge tax of \$2 for each day, or portion of a day, for lessees who do not possess a valid Hawaii driver's license; and
- (3) Deposit revenue collected from the \$5 surcharge tax into the county subaccount of the state highway fund for the purposes of section 248-9(c), Hawaii Revised Statutes.

Your Committee received testimony in support of the Proposed Draft from the Department of the Attorney General, Department of Taxation, and Department of Transportation.

Your Committee received comments on the Proposed Draft from the Avis Budget Group, Enterprise Holdings, and Tax Foundation of Hawaii.

Your Committee finds that an increase in the rental motor vehicle surcharge tax is necessary to supplement the state highway fund, because revenues from the fuel tax are unstable as consumers switch to the use of alternative fuel vehicles, electric vehicles, and hybrid vehicles

Your Committee has amended this measure by adopting the Proposed Draft and amending the Proposed Draft further by providing that, of each \$5 collected pursuant to the surcharge tax:

- (1) \$2 shall be deposited into the respective county subaccount of the state highway fund for state highway road capacity projects in the county that generated the surcharge tax; and
- (2) \$3 shall be deposited into the state highway fund for statewide use.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 162, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 162, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Fevella).

### SCRep. 1191 Ways and Means on S.B. No. 166

The purpose and intent of this measure is to appropriate funds to meet the needs for response, relief, and recovery activities in the County of Hawaii in response to the 2018 Kilauea eruption.

Prior to decision making on this measure, your Committee made available for public review a proposed Senate Draft No. 1 (Proposed Draft) of this measure. The Proposed Draft amends the measure by replacing its entire contents with provisions that establish and appropriate an unspecified amount of funds for a state employee recruitment modernization program.

Your Committee received testimony in support of the original draft of this measure from the Hawaii Emergency Management Agency, Department of Defense.

Your Committee received testimony in support of the Proposed Draft from the Office of the Governor, Department of Human Resources Development, Department of Human Services, Department of Transportation, Department of Accounting and General Services, Office of Enterprise Technology Services, Department of Agriculture, and one individual.

Your Committee received testimony in opposition to the Proposed Draft from the League of Women Voters of Hawaii and one individual.

Your Committee recognizes that many positions within state executive departments are understaffed. Accordingly, your Committee believes that the State should take steps to find solutions for addressing employee recruitment shortages.

Your Committee notes that the Department of Human Resources Development has requested eight full-time equivalent (8.0 FTE) positions for fiscal years 2019-2020 and 2020-2021 to implement the recruitment modernization program.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

(1) Clarifying the scope and goals of the recruitment modernization program;

- (2) Inserting a provision that requires the Department of Human Resources Development to submit to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2020, a report of its findings and recommendations, including any proposed legislation, on the recruitment modernization program;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 166, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 166, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Fevella).

## SCRep. 1192 Ways and Means on S.B. No. 656

The purpose and intent of this measure is to create equity among the types of aircraft in the State eligible for the aircraft service and maintenance facility general excise tax exemption.

More specifically, this measure:

- (1) Amends the definition of "aircraft" to include helicopters, thereby expanding the types of aircraft eligible for the aircraft service and maintenance facility general excise tax exemption;
- (2) Amends the aircraft service and maintenance facility general excise tax exemption to eliminate space requirements and to add a requirement that seventy-five per cent of helicopters serviced within any aircraft service and maintenance facility are equipped with quiet technology; and
- (3) Defines the term "quiet technology."

For purposes of a public hearing, your Committee circulated a proposed Senate Draft No. 2 (Proposed Draft) of the measure and notified the public that your Committee would accept testimony on the Proposed Draft, which amends the measure by deleting its contents and adding provisions to:

- (1) Repeal the requirement that the State Auditor conduct an annual review of certain rapid transportation authorities in the State; and
- (2) Repeal the requirements that the Comptroller verify the capital costs of a locally preferred alternative for a mass transit project and submit a certification statement to the Department of Budget and Finance for the allocation of funds from the mass transit special fund.

Your Committee received comments on the Proposed Draft from the Department of Budget and Finance.

Your Committee finds that Act 1, First Special Session Laws of Hawaii 2017, among other things, established several state oversight requirements for certain rapid transportation authorities in the State. Your Committee further finds that some of these requirements are excessive and cumbersome and, accordingly, should be repealed.

Your Committee has amended this measure by replacing its contents with the contents of the Proposed Draft and further amending the Proposed Draft by:

- (1) Repealing the requirement that the Director of Finance only disburse amounts from the mass transit special fund that are certified in the certification statement issued by the Comptroller;
- (2) Repealing a provision that prohibits the Director of Finance from disbursing amounts from the mass transit special fund in excess of the total amount indicated in the certification statement issued by the Comptroller;
- (3) Repealing the requirement that the President of the Senate and Speaker of the House of Representatives each appoint two non-voting, ex-officio members to the board of directors of certain rapid transportation authorities; and
- (4) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 656, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 656, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Fevella).

## SCRep. 1193 Ways and Means on S.B. No. 33

The purpose and intent of this measure is to amend the motion picture, digital media, and film production income tax credit.

More specifically, this measure repeals the annual \$35,000,000 rolling cap for the motion picture, digital media, and film production income tax credit.

Your Committee received written comments in support of this measure from the University of Hawaii; Kauai Community College; Hawaii County Film Office; Kauai Film Commission; All In Stunts; Aloha Casting LLC; CBS Corporation; Grade A Rag Company; Hawaii Media Inc.; Hawaii Teamsters and Allied Workers Local 996; International Alliance of Theatrical Stage Employees Local 665;

Island Film Group; Motion Picture Association of America; NBC/Universal; Scott Rogers Studios; Screen Actors Guild – American Federation of Television and Radio Artists; The Walt Disney Company, Warner Bros.; and numerous individuals.

Your Committee received written comments in opposition to this measure from two individuals.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; International Alliance of Theatrical Stage Employees Local 665; and two individuals.

Your Committee finds that the current form of the motion picture, digital media, and film production income tax credit was established in 2006 to incentivize film and digital media production in the State. Your Committee also finds that the motion picture, digital media, and film production income tax credit is scheduled for repeal on January 1, 2026. Your Committee further finds that Act 143, Session Laws of Hawaii 2017, amended the motion picture, digital media, and film production income tax credit by establishing an aggregate cap amount of \$35,000,000 per year.

Your Committee has amended this measure by:

- (1) Extending the repeal date of the motion picture, digital media, and film production income tax credit from January 1, 2026, to January 1, 2033;
- (2) Conditioning the repeal of the aggregate cap amount and extension of the motion picture, digital media, and film production income tax credit on the Hawaii Technology Development Corporation acquiring title to a certain thirty-acre parcel of the University of Hawaii - West Oahu land;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

Your Committee notes that other agencies that could viably acquire title to the parcel of land include the Hawaii Community Development Authority or any administratively attached corporation of the Department of Business, Economic Development, and Tourism.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 33, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 33, S.D. 3.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

### SCRep. 1194 (Majority) Ways and Means on S.B. No. 740

The purpose and intent of this measure is to require each county to adopt ordinances that establish a minimum housing density requirement of two hundred fifty units per acre on certain state lands.

Your Committee received written comments in support of this measure from BIA Hawaii and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committee received written comments on this measure from the Chamber of Commerce of Hawaii.

Your Committee finds that establishing minimum housing density requirements will impede urban sprawl, preserve agricultural lands and open space, and facilitate the development and use of public transit. Further, your Committee finds that two hundred fifty units per acre is an appropriate minimum housing density requirement for state lands that are within an urban district and zoned for development or redevelopment.

Your Committee has amended this measure by:

- (1) Permitting, rather than requiring, each county to adopt ordinances establishing minimum housing density requirements;
- (2) Changing the minimum housing density requirement from two hundred fifty units per acre to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 740, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 740, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12; Ayes with Reservations (Moriwaki, Riviere, Fevella). Noes, 1 (Harimoto). Excused, none.

## SCRep. 1195 Ways and Means on S.B. No. 816

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for facilities improvements and renovations for the Hawaii Health Systems Corporation.

Prior to a hearing on the measure, a proposed Senate Draft No. 2 (Proposed Draft) was circulated for public review and comment.

The purpose of the Proposed Draft is to delete the contents of the S.D. 1 and replace it with a general fund appropriation of \$2,700,000 to the Hawaii Health Systems Corporation to resolve the compensation differential for union members who were affected by the transfer of the use and exclusive management and operations of the Maui Memorial Medical Center, Kula Hospital, and Lanai Community Hospital from the Hawaii Health Systems Corporation to Maui Health System, an affiliate of Kaiser Permanente.

Your Committee received testimony in support of the Proposed Draft from the United Public Workers.

Your Committee received testimony in opposition to the Proposed Draft from the League of Women Voters of Hawaii and one individual.

Your Committee finds that an appropriation for operating expenditures, rather than an authorization for the issuance of general obligation bonds, is better suited to the current needs of the Hawaii Health Systems Corporation with regard to the Maui Health System.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the measure by changing the appropriated amount in the Proposed Draft to \$1,706,250.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 816, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 816, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1196 Ways and Means on S.B. No. 997

The purpose and intent of this measure is to expand the powers and duties of the Stadium Authority to include preparing a plan to develop the Aloha Stadium area, acquiring property, and developing property.

Your Committee received written comments in support of this measure from the Stadium Authority and one individual.

Your Committee received written comments on this measure from the League of Women Voters of Hawaii.

Your Committee finds that while the redevelopment of lands under the jurisdiction of the Stadium Authority and Department of Accounting and General Services would provide a benefit to the community, the administration of that development is better suited to the strengths of the Hawaii Community Development Authority than the Stadium Authority.

Your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 1530, S.D. 1, which, among other things:

- (1) Establishes the stadium development district under the jurisdiction of the Hawaii Community Development Authority to expedite the redevelopment of Aloha Stadium and surrounding areas;
- (2) Authorizes the Department of Land and Natural Resources to provide written concurrence, based on a phased review, regarding any project in the stadium development district for historical preservation purposes; and
- (3) Authorizes the issuance of revenue bonds and general obligation bonds and appropriates funds to establish the stadium development district and build a new stadium,

and by further amending the contents of S.B. No. 1530, S.D. 1, by:

- (1) Authorizing the Stadium Authority to acquire and hold title to real property;
- (2) Transferring title of all lands comprising the stadium development district to the Stadium Authority;
- (3) Exempting lands owned by the Stadium Authority from the definition of public lands;
- (4) Removing provisions authorizing the issuance of revenue bonds;
- (5) Changing the amount of general funds appropriated from \$100,000,000 to \$50,000,000;
- $(6) \quad \text{Authorizing the Director of Finance to issue $150,000,000 in reimbursable general obligation bonds}; \\$
- (7) Increasing the general obligation bond appropriation from \$100,000,000 to \$150,000,000;
- (8) Lapsing any remaining amounts of the appropriation made by Act 49, Session Laws of Hawaii 2017, for a master plan and environmental impact study for the Aloha Stadium facilities and site, and re-appropriating the lapsed amount to the Hawaii Community Development Authority for the establishment and development of the stadium development district;
- (9) Providing that funds appropriated by the measure shall not lapse until June 30, 2022;
- (10) Providing that revenues from the stadium development district shall be deposited into a stadium development subaccount of the Hawaii community development revolving fund; and
- (11) Establishing authorized uses of moneys in the stadium development district subaccount, including a requirement that a portion of the funds be used for the reimbursement of the general fund for the costs associated with the reimbursable general obligation bonds.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 997, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 997, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (Inouye, Kahele, Keith-Agaran, Riviere).

## SCRep. 1197 Human Services on S.C.R. No. 5

The purpose and intent of this measure is to urge the Department of Human Services to increase the reimbursement rate to family child care homes to seventy-five percent of the current center child care rate and provide incentive bonuses to family child care homes for accreditation.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the Department of Human Services allows for child care cost reimbursement under the Child Care Connection Hawaii program. Center-based care and family child care homes are eligible to receive reimbursements for child care rendered to families receiving subsidies through the Child Care Connection Hawaii program. However, the child care rates for family child care homes are a mere forty-four percent of that of child care centers for the same population and same services. Your Committee finds that increasing the reimbursement rate to family child care homes and providing bonuses to family child care homes for accreditation will encourage the availability of licensed family child care homes to accommodate the chronic lack of available child care, enhance the quality of child care, and better support the child care workforce in Hawaii.

Your Committee has amended this measure by clarifying that the number of child care center seats for infant and toddler care are non-existent on the islands of Kauai, Molokai, and Lanai.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 5, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 5, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Ihara).

## SCRep. 1198 Human Services on S.R. No. 5

The purpose and intent of this measure is to urge the Department of Human Services to increase the reimbursement rate to family child care homes to seventy-five percent of the current center child care rate and provide incentive bonuses to family child care homes for accreditation.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the Department of Human Services allows for child care cost reimbursement under the Child Care Connection Hawaii program. Center-based care and family child care homes are eligible to receive reimbursements for child care rendered to families receiving subsidies through the Child Care Connection Hawaii program. However, the child care rates for family child care homes are a mere forty-four percent of that of child care centers for the same population and same services. Your Committee finds that increasing the reimbursement rate to family child care homes and providing bonuses to family child care homes for accreditation will encourage the availability of licensed family child care homes to accommodate the chronic lack of available child care, enhance the quality of child care, and better support the child care workforce in Hawaii.

Your Committee has amended this measure by clarifying that the number of child care center seats for infant and toddler care are non-existent on the islands of Kauai, Molokai, and Lanai.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 5, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 5, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Ihara).

### SCRep. 1199 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 7

The purpose and intent of this measure is to request the Department of Human Services, in consultation with the Department of Public Safety, to work with the Family Unification Working Group and other community stakeholders to develop a plan to establish visitation center at all state correctional facilities and jails.

Your Committees received testimony in support of this measure from the Hawaii Youth Services Network, Hawaii Children's Action Network, Blueprint for Change, Community Alliance on Prisons, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental health problems, difficulty in school, and be incarcerated themselves. Regular visitation provides opportunities to sustain the parent-child bond while a parent is incarcerated, which can alleviate many of these problems. Visitation also provides benefits to the parent, including increasing the chances of successful reintegration into the community upon the parent's release. Your Committees further find that prison is not a suitable environment for children to visit their incarcerated parents. Developing a plan to establish children-friendly visitations centers in all prisons and jails will ensure the wellbeing of children of incarcerated parents, encourage visitations, and provide an opportunity to begin breaking the cycle of generational incarceration.

Your Committees have amended this measure by:

- (1) Requesting the Department of Human Services to include in its reports to the Legislature an assessment of any child accommodations in current visitation areas in prisons and jails and recommendations to improve any specific issues; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 7, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as S.C.R. No. 7, S.D. 1.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere). Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Wakai).

## SCRep. 1200 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 7

The purpose and intent of this measure is to request the Department of Human Services, in consultation with the Department of Public Safety, to work with the Family Unification Working Group and other community stakeholders to develop a plan to establish visitation center at all state correctional facilities and jails.

Your Committees received testimony in support of this measure from the Hawaii Youth Services Network, Hawaii Children's Action Network, Blueprint for Change, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and three individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental health problems, difficulty in school, and be incarcerated themselves. Regular visitation provides opportunities to sustain the parent-child bond while a parent is incarcerated, which can alleviate many of these problems. Visitation also provides benefits to the parent, including increasing the chances of successful reintegration into the community upon the parent's release. Your Committees further find that prison is not a suitable environment for children to visit their incarcerated parents. Developing a plan to establish children-friendly visitations centers in all prisons and jails will ensure the wellbeing of children of incarcerated parents, encourage visitations, and provide an opportunity to begin breaking the cycle of generational incarceration.

Your Committees have amended this measure by:

- (1) Requesting the Department of Human Services to include in its reports to the Legislature an assessment of any child accommodations in current visitation areas in prisons and jails and recommendations to improve any specific issues; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 7, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 7, S.D. 1.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere). Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Wakai).

## SCRep. 1201 Transportation on Gov. Msg. No. 577

Recommending that the Senate advise and consent to the nomination of the following:

## DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION

G.M. No. 577 JADE BUTAY, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Jade Butay for service as the Director of Transportation.

Your Committee received testimony in support of the nomination for the reappointment of Jade Butay from the Office of the Governor; Department of Labor and Industrial Relations; Department of Human Resources Development; Department of Budget and Finance; Department of Health; Department of Agriculture; Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Department of Public Safety; Department of Hawaiian Home Lands; State Health Planning and Development Agency; Office of Enterprise Technology Services; Office of Environmental Quality Control; Board of Water Supply; City and County of Honolulu Department of Facility Maintenance; Hawaiian Airlines; L&L Hawaiian Barbeque; Pacific Marine and Supply, Co.; GA Morris, Inc.; Hawaii Laborers-Employers Cooperation and Education Trust; APR Consulting, LLC; Hawaii Carpenters Apprenticeship and Training Fund; Hawaii Harbors Users Group; Filipino Chamber of Commerce of Hawaii; Hawaii Transportation Association; United Public Workers; Imanaka Asato, LLLC; Young Brothers, LLC; Airport Concessionaries Committee; Airlines Committee of Hawaii; SanHi Government Strategies; Matson; Hawaii Bicycling League; Hawaii Lodging and Tourism Association; Max J. Swords and Associates, LLC; Hawaii Gas; Pacific Strategies, LLC; Filipina Advocacy Network; Filipinos for Affirmative Action; Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaii Farm Bureau Federation; Advantage Health Care Provider, Inc.; and forty-two individuals. Your Committee received comments on the nomination for the reappointment of Jade Butay from one individual.

Upon review of the testimony, your Committee finds that Mr. Jade Butay's background, experience, and commitment to public service qualify him for reappointment as the Director of Transportation. Your Committee notes that for the last eight years, Mr. Butay has served in various government positions and has gained extensive experience working in the private sector. Your Committee believes that these experiences have equipped him with the necessary skills and knowledge to continue to manage one of the most critically important state departments.

Mr. Butay first served as the Deputy Director for Administration at the Department of Transportation from 2011 to 2013, where he planned, directed, and coordinated various activities for the Airports, Harbors, and Highways Divisions. Mr. Butay then moved on to become the Deputy Director of Labor and Industrial Relations from 2013 to 2014, where he assisted the Director in managing and directing the operations and functions of the Department of Labor and Industrial Relations. Mr. Butay returned to the Department of Transportation in 2014 as the Deputy Director for Administration, where he functioned as the chief operation officer and oversaw the administrative functions of the Department. Through his work as a Deputy Director for two state departments, Mr. Butay has gained a thorough understanding of the administrative responsibilities and challenges faced by the State and is well prepared to carry out those responsibilities and address those challenges.

Most recently, Mr. Butay has been serving as the Director of Transportation since 2017. In his capacity as the Director, Mr. Butay provides leadership and strategic direction with full responsibility for the Airports, Harbors, and Highways Divisions, where he oversees fifteen commercial and general aviation airports, ten commercial harbors, and nearly 2,500 miles of state highways, tunnels, and bridges. Mr. Butay has proven his leadership skills by managing approximately 2,600 employees and has proven his ability to collaborate with major stakeholders, such as the Federal Aviation Administration, Transportation Security Administration, and other federal agencies. Mr. Butay's experience as the Deputy Director for Transportation and as the current Director of Transportation have enabled him to gain an intimate understanding of the operations of the Department of Transportation and the Department's mission.

Mr. Butay understands the important role transportation plays in the economic development of the State, as well as in the every day lives of Hawaii's citizens. His current goals as the Director of Transportation are to attend to climate change and its effect on state transportation systems, address the critical need to rebuild the State's infrastructure, and improve mobility of the State.

Your Committee believes that Mr. Butay's familiarity with the Department of Transportation, collaborative relationship with federal transportation agencies, and his dedication to improving the State's transportation infrastructure make him exceptionally qualified to continue serving as the Director of Transportation.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1202 Transportation on Gov. Msg. No. 578

Recommending that the Senate advise and consent to the nomination of the following:

## DEPUTY DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION

G.M. No. 578 LYNN A.S. ARAKI-REGAN, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Lynn A.S. Araki-Regan for service as the Deputy Director of Transportation.

Your Committee received testimony in support of the nomination for the appointment of Lynn A.S. Araki-Regan from the Office of the Governor; Department of Human Resources Development; Department of Labor and Industrial Resources; Department of Budget and Finance; Department of Agriculture; Department of Commerce and Consumer Affairs; Department of Public Safety; Department of Accounting and General Services; Department of Business, Economic Development, and Tourism; Department of Hawaiian Home Lands; Office of Enterprise Technology Services; Board of Water Supply; Maui Emergency Management Agency; Pacific Marine and Supply, Co.; Matson; L&L Franchise, Inc.; Hawai'i Gas; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and twenty individuals.

Upon Review of the testimony, your Committee finds that Ms. Lynn A.S. Araki-Regan's background, experience, and commitment to public service qualify her for appointment as the Deputy Director of Transportation. Your Committee notes that Ms. Araki-Regan has six years of experience working in public service in the County of Maui serving in various positions. Ms. Araki-Regan began her career in public service as an Economic Development Coordinator for the County of Maui from 2003 to 2006, where she directed economic development initiatives to achieve the goals and objectives of the County of Maui. Ms. Araki-Regan then left public service to practice law in private practice and currently has 22 years of experience in litigation, commercial transactions, creditor's rights, and landlord and tenant law.

Ms. Araki-Regan returned to public service in 2016, serving as the Budget Director of the County of Maui, where she administered, prepared, and maintained the entire County of Maui's budget of over \$700,000,000. She was then promoted to Chief of Staff to the Mayor of Maui where she oversaw communications, the budget, community development block grant program, and Office of Economic Development programs. Through her experience working in the government sector, as well as over two decades of working in the private sector, Ms. Araki-Regan has gained invaluable experiences in a variety of areas, such as overseeing and managing operations, budgeting, public relations, strategic planning, other skills necessary to be the Deputy Director of Transportation.

In her personal statement, Ms. Araki-Regan stated that if given the opportunity to continue her passion for public service as the Deputy Director of Transportation, one of her primary objectives is to utilize her extensive background to help the Department of Transportation become more productive, efficient, and responsive. She hopes to establish or amend position classifications, improve recruitment and retention efforts, and improve overall employee morale by implementing a range of staff recognition initiatives. Your Committee notes that Ms. Araki-Regan will also act as a representative of the neighbor islands and provide a new perspective to the pressing issues of the State.

Your Committee believes that Ms. Araki-Regan's dedication to public service, years of experience in public and private practice, and passion to improve the Department of Transportation qualify her to be appointed as the Deputy Director of Transportation.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1203 Government Operations on Gov. Msg. No. 579

Recommending that the Senate advise and consent to the nomination of the following:

#### COMPTROLLER OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

G.M. No. 579 CURT T. OTAGURO, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Curt T. Otaguro for service as the Comptroller.

Your Committee received testimony in support of the nomination for the appointment of Curt T. Otaguro from the Governor; Department of Accounting and General Services; Department of Labor and Industrial Relations; Department of Health; Department of Human Resources Development; Department of Business, Economic Development, and Tourism; Department of Hawaiian Home Lands; Department of Agriculture; Department of Public Safety; Department of Transportation; Department of Land and Natural Resources; Department of Finance; Office of Enterprise Technology Services; Office of Environmental Quality Control; State Office of Veterans' Services; Stadium Authority of Aloha Stadium; Hawaii Laborers-Employers Cooperation and Education Trust; United Public Workers, AFSCME, Local 646, AFL-CIO; Capitol Consultants of Hawaii, LLP; Building Industry Association-Hawaii; SanHi Government Strategies LLLP; American Council of Engineering Companies of Hawaii; General Contractors Association of Hawaii; Hawai'i Lodging & Tourism Association; Ralph S. Inouye Co., Ltd.; and sixty-two individuals.

Curt T. Otaguro is currently the acting State Comptroller of the Department of Accounting and General Services. Prior to his appointment by the Governor, Mr. Otaguro worked for First Hawaiian Bank for over thirty-seven years, where he spent most of his career in various positions of increasing responsibility. Most recently, he served as the Executive Vice President and Division Manager of the Digital Banking Division of First Hawaiian Bank from July 2015 to December 2018. Mr. Otaguro has also served, among other positions, as Executive Vice President and Division Manager for the Personal and e-Banking Division; Executive Vice President and Regional Manager of the Retail Banking Group; Executive Vice President and Group Manager of the Card Services Group; Senior Vice President and Division Manager of the Information Management Group and Operations Research and Development Division; and Vice President and Department Manager of the Research and Development Department. Your Committee notes that Mr. Otaguro is a graduate of Iolani School and earned his Bachelor of Science in Business Management from the University of Redlands in California.

Your Committee believes that Mr. Otaguro, with over thirty-seven years of diverse business background and managerial experience, possesses the qualifications to serve as the Comptroller and lead the Department of Accounting and General Services. More particularly, his invaluable business acumen and management experience from the private sector will serve him well as Comptroller. During Mr. Otaguro's professional career, he has dealt with personnel issues, product development initiatives, communication challenges, and large-scale collaboration projects covering multiple areas. These experiences have enabled him to understand large global issues and encourage the teamwork necessary come up with a viable solution to satisfy financial institutions, and given him a valuable working knowledge and experience in strategic planning, problem solving, and execution and delivery. Your Committee finds that Mr. Otaguro will be able to apply this knowledge and experience as he fulfills his role as Comptroller. Testifiers commented on Mr. Otaguro's nearly forty years of private sector banking experience that will benefit the Department as it tries to improve efficiency and fill employment vacancies. Furthermore, his private sector management experience will be especially helpful when directing and coordinating the various activities of the Department of Accounting and General Services. Mr. Otaguro's knowledge of the banking and financial services industry will also ensure that the State has the highest standard of financial reporting and accounting operations.

Your Committee notes from Mr. Otaguro's personal statement that his vision for the Department of Accounting and General Services includes emphasizing a culture of collaboration, prioritizing the repair and maintenance of existing facilities, improving management of existing facilities through tracking and reporting, and developing a better working relationship with the Department of Education to support the Governor's early education initiatives.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

## SCRep. 1204 Government Operations on Gov. Msg. No. 580

Recommending that the Senate advise and consent to the nomination of the following:

## DEPUTY COMPTROLLER OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

G.M. No. 580 AUDREY HIDANO, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Audrey Hidano for service as the Deputy Comptroller.

Your Committee received testimony in support of the nomination for the Deputy Comptroller of Audrey Hidano from the Governor; Department of Human Resources Development; Department of Labor and Industrial Relations; Department of Business, Economic Development, and Tourism; Department of Hawaiian Home Lands; Department of Agriculture; Department of Budget and Finance; Department of Transportation; Department of Public Safety; Department of State Office of Veterans' Services; Office of Enterprise

Technology Services; Stadium Authority of Aloha Stadium; Office of Environmental Quality Control; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Laborers-Employers Cooperation and Education Trust; Building Industry Association of Hawaii; Electrical Contractors Association of Hawaii; SanHi Government Strategies, LLLP; Hawaii Carpenters Apprenticeship and Traning Fund; General Contractors Association of Hawaii; Homeworks Construction Inc.; and forty-five individuals.

Audrey Hidano is currently the Deputy Comptroller of the Department of Accounting and General Services, a position she has held since April 2015. Previously she served as Deputy Director of the Department of Transportation and twice served as Deputy Director of the Department of Labor and Industrial Relations. Ms. Hidano also has an extensive career in the private sector. She co-founded Hidano Construction, Inc., with her husband in 1974, and helped run the company until its voluntary closure in 2016 and previously served as co-owner of Rim-Pac, Inc. She is currently Vice-President and Secretary of Grand Development, Inc. Ms. Hidano has acquired a range of expertise in the areas of personnel management, payroll, accounting, human resources management, and contract management over the course of her career in the construction and development industry. Ms. Hidano currently serves as an employer trustee with the Hawaii Employer-Union Benefits Trust Fund, and is a two-time past President of the Building Industry Association of Hawaii. Her extensive experience in the public and private sectors have enabled her to gain a clear understanding of procurement issues affecting state agencies and how those issues affect construction projects in Hawaii, and given her clear insight into the intricacies of running a business in the State. Ms. Hidano also has extensive community ties, having served as a board member of the City and County of Honolulu Neighborhood Board #12 since 1989 and serving as a current board member of the Nuuanu YMCA.

Your Committee believes that the nominee possesses the qualifications to serve as the Deputy Comptroller and help lead the Department of Accounting and General Services. Ms. Hidano's invaluable background in the private and public sectors arm her with a wealth of experience to craft innovative solutions for the Department. Her experience in construction gives her a deep understanding of the industry and a wealth of industry contacts, which will be invaluable to her as she contributes to the leadership of a department charged with overseeing numerous state construction contracts. Testifiers commented on Ms. Hidano's sound judgment, commitment, professionalism, and solid work ethic. She is also noted as being honest, straightforward, and independent all the qualities of a great leader. These qualities will serve Ms. Hidano well as she works with personnel to make positive change within the Department.

Your Committee notes from the nominee's personal statement that her vision for the Department of Accounting and General Services is to continue to file Comprehensive Annual Financial Reports before the end of the calendar year, complete construction projects on time and on budget, give resources to the maintenance program so that state facilities can be properly maintained, keep the State Capitol ponds clean and maintained, and facilitate the Department to become paperless.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 1205 Agriculture and Environment on Gov. Msg. No. 596

Recommending that the Senate advise and consent to the nomination of the following:

### BOARD CHAIRPERSON OF THE DEPARTMENT OF AGRICULTURE

G.M. No. 596 PHYLLIS SHIMABUKURO, for a term to expire 12-31-2022 (name amended to PHYLLIS SHIMABUKURO-GEISER by GM634)

Your Committee reviewed the personal history, resume, and statement submitted by Phyllis Shimabukuro-Geiser for service as the Chairperson of the Board of Agriculture.

Your Committee received testimony in support of the nomination for the appointment of Phyllis Shimabukuro-Geiser from Governor David Y. Ige; Department of Agriculture; Agribusiness Development Corporation; Department of Land and Natural Resources; Department of Transportation; Department of Health; Department of Hawaiian Home Lands; Department of Accounting and General Services; Department of Defense; Department of Human Resources Development; Department of Labor and Industrial Relations; Department of Labor and Industrial Relations; Department Division; Office of Enterprise Technology Services; one member of the Hawaii County Council; Hawaii Food Industry Association; Hawaii Agriculture Research Center; Hawaii Crop Improvement Association; Ulupono Initiative; Bayer; Larry Jefts Farms, LLC; Ponoholo Ranch Limited; Hawaii Coffee Association; Hawaii Farm Bureau; Hartung Brothers, Inc.; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; SK Natural Farms, LLC (aka 2 Lady Farmers); and eighty-six individuals. Your Committee received testimony in opposition to the nomination for the appointment of Phyllis Shimabukuro-Geiser from three individuals. Your Committee received comments on the nomination for the appointment of Phyllis Shimabukuro-Geiser from Rancho Aloha and Ka Ohana O Na Pua.

Your Committee finds that Ms. Shimabukuro-Geiser earned a Bachelor of Science in Animal Science from the University of Hawaii at Mānoa. She thereafter earned a Master of Science in Avian Sciences from the University of California, Davis. With over thirty years' experience, Ms. Shimabukuro-Geiser's background in fresh egg production, management, and poultry feed has provided her with a wealth of knowledge in the poultry industry in Hawaii. From 2009 to 2014, she served as the President of Mikilua Poultry Farm, Inc., in Waianae. Since 2015, Ms. Shimabukuro-Geiser has served as the Deputy Chairperson of the Board of Agriculture and, according to the Governor, has been instrumental in moving the Department of Agriculture forward in our efforts to increase local food production.

Ms. Shimabukuro-Geiser has also served on a number of boards and committees in the community, including the State Medical Marijuana Dispensary License Selection Panel, State Interagency Climate Adaptation Committee, State Agriculture Workforce Advisory Board, Hawai'i Farm Bureau, Hawaii Egg Producers Cooperative, United States Department of Agriculture Farm Service Agency Hawaii State Committee, University of Hawaii College of Tropical Agriculture and Human Resources Cooperative Extension Veterinary Specialist Search Committee, and Hawaii State Board of Agriculture. Ms. Shimabukuro-Geiser has also received

recognition from the agricultural community as the first female recipient of the Hawaii Farm Bureau Federation Outstanding Member award.

Ms. Shimabukuro-Geiser's mission is to assist all farmers and ranchers to grow more wholesome food, fiber, and energy through coexistence of conventional and organic practices with innovative tools to double local food production. Ms. Shimabukuro-Geiser's passion for and commitment to sustainability, food resiliency, and quality of life for the people of Hawaii make her well-suited to serve as the Chairperson of the Board of Agriculture.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ruderman). Noes, none. Excused, none.

#### SCRep. 1206 Agriculture and Environment on Gov. Msg. No. 597

Recommending that the Senate advise and consent to the nomination of the following:

#### DEPUTY DIRECTOR OF THE DEPARTMENT OF AGRICULTURE

G.M. No. 597 GLENN K. MURANAKA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Glenn K. Muranaka for service as the Deputy Director of the Department of Agriculture.

Your Committee received testimony in support of the nomination for the appointment of Glenn K. Muranaka from Governor David Y. Ige; Agribusiness Development Corporation; Department of Hawaiian Home Lands; Department of Transportation; Department of Health; Department of Accounting and General Services; Department of Labor and Industrial Relations; Department of Human Resources Development; Office of Enterprise Technology Services; Hawaii National Guard; City and County of Honolulu Office of the Mayor; Ponoholo Ranch Limited; Hawaii Food Industry Association; Bayer; Dave's Ice Cream; FCH Enterprises, Inc.; Joy Gold Unlimited, Inc.; Hawaii Farm Bureau; Larry Jefts Farms, LLC; Hawaii Crop Improvement Association; Hawaii Coffee Association; JB Brands, Inc.; Hawaii Critical Care Supply; Hawaii Cattlemen's Council, Inc.; Hawaii Children's Discovery Center; Creativity!, LLC; and seventy-seven individuals. Your Committee received comments on the nomination for the appointment of Glenn K. Muranaka from Rancho Aloha and Ka Ohana O Na Pua.

Your Committee finds that Mr. Muranaka is highly versatile and an accomplished agricultural business leader in management, strategy, product development, delivery, and operations of a complex manufacturing and logistic-focused industry. Mr. Muranaka received his Associate of Arts in Accounting from the University of Hawaii, Kapiolani Community College. Mr. Muranaka served as the President and General Manager of Meadow Gold Dairies in Honolulu from 1996 until his retirement in 2017. Prior to being the President and General Manager, Mr. Muranaka was the Executive Vice President and Assistant General Manager of Meadow Gold Dairies and served in other capacities for this company. Mr. Muranaka has shown strong leadership skills by leading Meadow Gold Dairies' personnel and managing the accounting, sales and marketing, and neighbor island divisions.

Mr. Muranaka has received many recognitions and awards. Mr. Muranaka was inducted into the Hawaii Food Industry Association's Hall of Fame and McKinley High School Hall of Honor. In 2018, Mr. Muranaka received the Ka Lei Hano Heritage Award. Additionally, Mr. Muranaka has received multiple proclamations and certificates of recognition from State and county agencies throughout the years.

As a high-profile executive, Mr. Muranaka has been successful at leveraging career experience to enhance organizational productivity and efficiency by effectively directing and supporting operations, services, and solutions. Mr. Muranaka has led diversity initiatives and created a climate for creativity and increased innovation at Meadow Gold Dairies. He has also been an active community partner and was one of the founders of the Hawaii Seal of Quality and "Grown in Hawaii/Buy Hawaii" marketing campaign. Mr. Muranaka's commitment to the agricultural industry and the State of Hawaii make him well-qualified to serve as the Deputy Director of the Department of Agriculture.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 1207 Agriculture and Environment on S.C.R. No. 20

The purpose and intent of this measure is to request the Department of Agriculture and the Hawaii Tourism Authority to report to the Legislature on the processing of the State of Hawaii plant and animal declaration forms, including the costs involved, and to convene a task force to review the efficacy of these declaration forms.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority, Department of Land and Natural Resources, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Hawai'i Farm Bureau. Your Committee received comments on this measure from the Department of Agriculture and Department of Business, Economic Development, and Tourism.

Your Committee finds that all passengers, upon arrival to Hawaii, must complete a state plant and animal declaration form that requests information regarding the passengers' visitor or resident status and requires information regarding their importation of any

plants, including seeds, and animals. Your Committee further finds that the cost-effectiveness of processing and gleaning information from the plant and animal declaration forms at the Department of Agriculture and the Hawaii Tourism Authority can be improved.

Your Committee also finds that adding or revising questions on, or gaining additional insight from, the existing declaration forms can lead to enhanced enforcement of plant and animal imports to further protect Hawaii from invasive species.

Your Committee has amended this measure by:

- (1) Clarifying and correcting several findings related to the information required to be reported on the declaration forms, when inspections of passengers' bags are conducted, and other means used to regulate the importation of plants and animals into Hawaii:
- (2) Adding that the Department of Agriculture Plant Quarantine Branch inspects regulated commodities at all major ports of entry;
- (3) Adding one representative of the Department of Business, Economic Development, and Tourism to the task force; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 20, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 20, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 1208 Agriculture and Environment on S.R. No. 15

The purpose and intent of this measure is to request the Department of Agriculture and the Hawaii Tourism Authority to report to the Legislature on the processing of the State of Hawaii plant and animal declaration forms, including the costs involved, and to convene a task force to review the efficacy of these declaration forms.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority, Department of Land and Natural Resources, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Hawai'i Farm Bureau. Your Committee received comments on this measure from the Department of Agriculture and Department of Business, Economic Development, and Tourism.

Your Committee finds that all passengers, upon arrival to Hawaii, must complete a state plant and animal declaration form that requests information regarding the passengers' visitor or resident status and requires information regarding their importation of any plants, including seeds, and animals. Your Committee further finds that the cost-effectiveness of processing and gleaning information from the plant and animal declaration forms at the Department of Agriculture and the Hawaii Tourism Authority can be improved.

Your Committee also finds that adding or revising questions on, or gaining additional insight from, the existing declaration forms can lead to enhanced enforcement of plant and animal imports to further protect Hawaii from invasive species.

Your Committee has amended this measure by:

- (1) Clarifying and correcting several findings related to the information required to be reported on the declaration forms, when inspections of passengers' bags are conducted, and other means used to regulate the importation of plants and animals into Hawaii:
- (2) Adding that the Department of Agriculture Plant Quarantine Branch inspects regulated commodities at all major ports of entry;
- (3) Adding one representative of the Department of Business, Economic Development, and Tourism to the task force; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 15, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 15, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 1209 Labor, Culture and the Arts on Gov. Msg. Nos. 561, 562, and 563

Recommending that the Senate advise and consent to the nominations of the following:

### HAWAI'I WORKFORCE DEVELOPMENT COUNCIL

G.M. No. 561 BRIAN LEE, for a term to expire 06-30-2020;

G.M. No. 562 KAREN WONG, for a term to expire 06-30-2022; and

G.M. No. 563 MIRIAM WHITMAN, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Brian Lee, Karen Wong, and Miriam Whitman for service on the Hawai'i Workforce Development Council.

### **BRIAN LEE**

Your Committee received testimony in support of the nomination for the appointment of Mr. Lee from the Hawai'i Workforce Development Council; Hawaii Regional Council of Carpenters; Hawai'i Construction Alliance; Chamber of Commerce Hawaii; Pacific

Resource Partnership; International Union of Painters and Allied Trades, District Council 50; Ralph S. Inouye Co., Ltd.; and four individuals.

Your Committee finds that Mr. Lee is presently the Director at the Hawaii Laborers' and Employers Cooperation Education Trust, which is a partnership of five thousand statewide members of the Hawaii Laborers Union Local 368. Mr. Lee has served in key leadership roles for several labor organizations including the International Brotherhood of Electrical Workers, Hawaii Operating Engineers, and Hawaii Construction Industry Association. Mr. Lee also has a strong understanding of the public workforce having served on the Oahu Workforce Board. The Committee notes that Mr. Lee is currently an intern appointee to the Hawai'i Workforce Development Council and has been serving in that capacity since last summer. Mr. Lee also currently serves on the Council's Performance Measures and Accountability Committee as Vice Chair. Numerous testifiers attested to Mr. Lee's integrity, diligence, and ability to bring parties together to find practical solutions. Mr. Lee's experience, knowledge, ability to foster relationships, and commitment to improving Hawaii's workforce will be assets to the Hawai'i Workforce Development Council.

## KAREN WONG

Your Committee received testimony in support of the nomination for the appointment of Ms. Wong from the Hawai'i Workforce Development Council, Lanakila Pacific, and five individuals.

Your Committee finds that Ms. Wong is currently the Vice President of Administration for Lanakila Pacific, an organization that provides valuable employment and job training for people with disabilities. As the Vice President of Administration for Lanakila Pacific, Ms. Wong advocates for opportunities for people with disabilities to be included in competitive employment, and oversees the operations of Lanakila Pacific's finance, human resources, information technology, and facilities departments. Ms. Wong has over twenty-five years of experience in accounting, finance, and management of profit and non-profit organizations. Additionally, Ms. Wong has volunteered for numerous organizations including the Ronald McDonald House Charities of Hawaii, Big Brothers/Big Sisters of Hawaii, The Immigration Center, and Saint Francis Hospice. Numerous testifiers attested to Ms. Wong's high level of integrity and work ethic. Ms. Wong's leadership skills, strong administrative experience, and dedication to the community will greatly contribute to the Hawaii'i Workforce Development Council.

## MIRIAM WHITMAN

Your Committee received testimony in support of the nomination for the appointment of Ms. Whitman from the Hawai'i Workforce Development Council; United States Department of Labor, Kinai 'Eha; California Indian Manpower Consortium, Inc.; and two individuals.

Your Committee finds that Ms. Whitman has been serving for the Hawai'i Workforce Development Council as Vice Chair of the Youth Services Committee since 2017. Ms. Whitman has nearly forty years of non-profit experience. Since 1979, Ms. Whitman has worked at Alu Like, Inc., as the Director of the Department of Employment and Training and is responsible for the oversight of the employment and training program, including objectives and performance goals. Ms. Whitman is also a member of various organizations including the national Advisory Council of the National Indian and Native American Employment and Training Conference, Ko'olaupoko Hawaiian Civic Club, and Prince Kuhio Hawaiian Civic Club. Testimony submitted by the Workforce Development Council notes that Ms. Miriam Whitman has extensive knowledge of the Indian and Native American Programs Workforce Innovation and Opportunity Act of 2014, Section 166. Ms. Whitman's experience, leadership skills, commitment to Hawaii's workforce, and knowledge of Native Hawaiian and youth matters will continue to be assets to the Hawai'i Workforce Development Council.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

### SCRep. 1210 Labor, Culture and the Arts on Gov. Msg. No. 564

Recommending that the Senate advise and consent to the nomination of the following:

## HOISTING MACHINE OPERATORS ADVISORY BOARD

G.M. No. 564 ANGELA CHINEN, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Angela Chinen for service on the Hoisting Machine Operators Advisory Board.

Your Committee did not receive any testimony on this nomination.

Your Committee finds that Ms. Chinen received her Associate in Science degree in Applied Trades from Honolulu Community College. Ms. Chinen worked as a carpenter in various capacities with the Carpenters Union while also serving as an Instructor of Math and Blueprint Reading for the apprentice program at Honolulu Community College for ten years. In 2004, she joined the Operating Engineers Local Union No. 3 as a Surveyor and began operating tower cranes. In 2013, she became a Crane Instructor for the Joint Apprenticeship Committee of the Operating Engineers Local Union No. 3.

Ms. Chinen holds numerous certifications, including certifications to act as a Certified Crane Operator in tower cranes, fixed and swing cab hydraulic cranes, and truck and crawler lattice cranes. Ms. Chinen is extremely well-qualified for reappointment to the Board. Ms. Chinen possesses extensive experience and a depth of knowledge in the construction industry. She is familiar with the issues facing the Hoisting Machine Operators Advisory Board and the State. Ms. Chinen will continue to provide valuable insights based on experience and offer specific suggestions to address and resolve various hoisting machine operator issues facing the State and Board, which makes her an extraordinary asset to the Hoisting Machine Operators Advisory Board.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 1211 Commerce, Consumer Protection, and Health on Gov. Msg. No. 541

Recommending that the Senate advise and consent to the nomination of the following:

#### DIRECTOR OF THE DEPARTMENT OF HEALTH

G.M. No. 541 BRUCE S. ANDERSON, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Bruce S. Anderson for service as the Director of Health.

Your Committee received testimony in support of the nomination for the reappointment of Bruce S. Anderson from Governor David Y. Ige, Department of Human Resources Development, Department of Labor and Industrial Relations, Department of Land and Natural Resources, Department of Public Safety, Department of Transportation, Department of Agriculture, Department of Hawaiian Home Lands, Department of Taxation, Department of Accounting and General Services, Department of Budget and Finance, Executive Office on Aging, State Health Planning and Development Agency, Environmental Health Services Division of the Department of Health, Office of Enterprise Technology Services, Health Resources Administration of the Department of Health, Office of Environmental Quality Control, Honolulu Board of Water Supply, Hawai'i Public Health Institute, Hawaii Medical Service Association, American Heart Association, Hawaii Substance Abuse Coalition, The Queen's Health Systems, Kaiser Permanente Hawai'i, Hawaii Business League, Hawai'i Farm Bureau, Healthcare Association of Hawaii, SanHi Government Strategies, and sixteen individuals. Your Committee received comments on the nomination for the reappointment of Bruce S. Anderson from Akamai Cannabis Clinic.

Your Committee finds that Bruce S. Anderson has been serving as the Director of Health since June 2018. This marks Dr. Anderson's return to the position of Director of Health following his original appointment in 1999. After leaving the Department of Health in 2002, Dr. Anderson continued a distinguished career in the public and private sectors, including previous service as the Director of the Environmental Health Program at the University of Hawaii, President of the Oceanic Institute, Director of Health and Science Programs at Hawaii Pacific University, President and Chief Executive Officer of the Hawaii Health Systems Corporation, and Administrator of the Division of Aquatic Resources in the Department of Land and Natural Resources.

Your Committee notes that Dr. Anderson has spent over thirty-five years managing health and environmental protection programs in Hawaii, an experience that has given him a deep familiarity with and commitment to addressing rapidly evolving health and environmental issues, and their impacts on the State.

The experience and knowledge Dr. Anderson has developed, combined with the relationships he has cultivated over the course of his career will be invaluable during his continued tenure at the Department of Health. The State is facing multiple serious health issues, such as climate change, drug abuse, and the mental health and homelessness crisis, all of which go beyond any one department or discipline. Dr. Anderson's diverse background makes him an ideal candidate to build inter-departmental alliances and strengthen cooperation between the public and private sector. Dr. Anderson noted in his personal statement that one of his personal strategies is to be a connector to create, facilitate, and support the partnerships necessary to leverage resources and accomplish his goals for the Department.

Your Committee notes that throughout his career, Dr. Anderson has repeatedly demonstrated commitment to innovation and efficiency, a commitment which is central to his vision for the Department of Health. Although still relatively new to the position, Dr. Anderson is already overseeing the development of a comprehensive case management system for children and adults served by both the Department's behavioral health and developmental disabilities programs, which will result in more effective and efficient delivery of services. Looking forward, Dr. Anderson listed e-cigarette use by youth, climate change and its impacts on public health, and the lack of mental health services in our communities as the three main areas of concern he plans to focus on during his tenure at the Department of Health as he works to promote a culture of health throughout Hawaii.

Your Committee therefore finds that Dr. Anderson's leadership abilities, professional experience, and extensive knowledge, particularly in the areas of environmental sustainability and health, will continue to be valuable assets to the Department of Health and, for these reasons, recommends that Dr. Anderson be reappointed as the Director of Health.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 1212 Commerce, Consumer Protection, and Health on Gov. Msg. No. 542

Recommending that the Senate advise and consent to the nomination of the following:

# DEPUTY DIRECTOR OF THE DEPARTMENT OF HEALTH

G.M. No. 542 CATHY Y. ROSS, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Cathy Y. Ross for service as the Deputy Director of Health.

Your Committee received testimony in support of the nomination for the appointment of Cathy Y. Ross from Governor David Y. Ige, Department of Health, Department of Agriculture, Department of Human Resources Development, Department of Budget and Finance, Department of Taxation, Department of Accounting and General Services, Department of Transportation, Department of Labor and Industrial Relations, Department of Human Services, Department of Defense, Department of Public Safety, Department of Hawaiian Home Lands, State Procurement Office, Office of Enterprise Technology Services, Office of Environmental Quality Control, Environmental Health Administration of the Department of Health, Health Resources Administration of the Department of Health, Hawaii Technology Development Corporation, Training and Staff Development Academy of the Department of Public Safety, Hawaii Health Systems Corporation, Hawaii Medical Service Association, Hawaii Primary Care Association, and forty-two individuals. Your Committee received testimony in opposition to the nomination for the appointment of Cathy Y. Ross from the Ho\*omanapono Political Action Committee and one individual.

Your Committee finds that Ms. Ross has spent over eighteen years serving the people of Hawaii in various government roles affecting public health and public safety. Ms. Ross has been with the Department of Public Safety since 2012, most recently serving as the Deputy Director for Administration of the Department of Public Safety, where she provided optimal administrative support, spearheaded strategic planning, and managed initiatives for that Department. Your Committee further finds that Ms. Ross's nomination as the Deputy Director of Health marks her return to the Department of Health, where she spent twelve years in various positions related to tobacco prevention, school health and wellness, and nutrition and physical activity promotion. Ms. Ross also served as the Department of Health's first Performance Improvement Manager, an experience that gave her a deep understanding of the impact primary prevention can have on large populations, small communities, and individuals, and which taught her the importance of addressing health issues within the context of systems.

Your Committee notes that Ms. Ross's professional experience and personal statement indicate a strong focus on systems improvement and strengthening administrative operations. As the population served by the Department of Health continues to expand, and with the growth of federally-funded programs and changing social service needs, program resources are being increasingly diverted to administrative functions, such as procurement, human resources, and reorganizations. This diversion multiplies staff workload and necessitates a creative approach to repurposing existing resources to the greatest extent possible. Ms. Ross's experience in systems management and proven track record with interdepartmental collaborations and innovative administrative approaches will therefore be an excellent resource for the Department of Health as it manages resources, increases efficiency, and improves responsiveness.

Your Committee believes that Ms. Ross's experience in two large and complex departments will be an asset to the Department of Health, as her perspective will allow her to build on the organizational strengths of the Department, while also recognizing and working to address the Department's weaknesses. As noted in her personal statement, Ms. Ross brings to the Department of Health a strong commitment to improving public health outcomes through strengthening administrative operations, growing interdepartmental collaborations, and exploring new ways to engage with service providers. This commitment is especially important to the Department of Health, as administrative operations and functions are vital to the Department's ability to maximize service delivery and efficiency.

Your Committee therefore finds that Ms. Ross's leadership abilities, professional experience, and commitment to public health will assist the Department of Health in its ongoing mission to protect and improve the health and environment for Hawaii's residents and, for these reasons, recommends that Ms. Ross be appointed as the Deputy Director of Health.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Nishihara). Noes, none. Excused, 1 (Thielen).

### SCRep. 1213 Ways and Means on H.B. No. 2

The purpose and intent of this measure is to appropriate funds for the operating costs of the Executive Branch for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee received testimony in support of this measure from the Department of Education, the Hawaii Green Infrastructure Authority, the Hawaii State Commission on the Status of Women, the Special Education Advisory Council, Alexander and Baldwin, Ben Dyre Family Limited Partnership, Catholic Charities Hawaii, Hawaii Association of Watershed Partnerships, Kamehameha Schools, Kauai Watershed Alliance, Mauna Kahalawai Watershed Partnership, Partners in Care, The Nature Conservancy of Hawaii, and one individual.

Your Committee received testimony in opposition to this measure from the University of Hawaii System, Kokua Council, and one individual.

Your Committee received comments on this measure from the Department of the Attorney General, Hawaii Primary Care Association, and Kahuku Medical Center.

This measure, as received, includes:

- (1) The base budget from Act 53, Session Laws of Hawaii (SLH) 2018;
- (2) The addition of previously appropriated collective bargaining amounts in numerous bills enacted in 2017 and 2018;
- (3) The addition of full-year funding for positions established in Act 53, SLH 2018;

- (4) The adjustment amounts necessary to fulfill the Employees' Retirement System, Employer-Union Health Benefits Trust Fund, debt service, and Medicaid requirements for this fiscal biennium; and
- (5) The reduction of non-recurring amounts identified in the 2017 and 2018 executive budget worksheets issued by the Legislature.

Your Committee has amended this measure to include:

- (1) The approved Executive Branch requests for trade-offs, transfers, changed means of financing, conversions of positions from temporary to permanent, ceiling increases or decreases, and reductions; and
- (2) Additional funding for priority budget requests.

	Fiscal Year 2019-2020		Fiscal Year 2020-2021	
	All Funds	General Funds	All Funds	General Funds
Executive Budget Act 53, SLH 2018	\$14,438,080,019	\$7,512,285,586	\$14,438,080,019	\$7,512,285,586
Executive Budget Request	\$1,257,198,147	\$488,288,519	\$1,484,605,717	\$740,581,670
Net Change in Senate Draft	\$1,098,174,733	\$456,587,032	\$1,298,901,258	\$556,937,257
Total Appropriation	\$15,537,177,230	\$7,968,872,618	\$15,737,903,755	\$8,200,221,914

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

#### SCRep. 1214 Ways and Means on H.B. No. 116

The purpose and intent of this measure is to appropriate additional funds for the operating costs of the Executive Branch for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

No testimony was submitted on this measure.

## PART I. Department Highlights

## Accounting and General Services

Your Committee adjusts the Department of Accounting and General Services' appropriation by adding \$2,198,866 in general funds and \$200,000 in non-general funds in fiscal year 2019-2020, and adding \$2,801,968 in general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in overseeing and managing cybersecurity for the State. Therefore, your Committee approves \$1,038,240 in fiscal year 2019-2020, and \$1,263,902 in fiscal year 2020-2021, for a multitude of cybersecurity enhancements. In addition, your Committee approves \$150,000 in each fiscal year for mobile device management software in order to secure sensitive state data on mobile devices used for state business.

Your Committee acknowledges and supports the preservation and digitization of historical documents. Therefore, your Committee approves \$200,000 for fiscal year 2019-2020 for a digital archived preservation system. In addition, your Committee approves \$76,500 in fiscal year 2019-2020, and \$107,940 in fiscal year 2020-2021 for one new permanent position and related office expenses for the State Archives.

## Agriculture

Your Committee adjusts the Department of Agriculture's appropriation by adding \$1,307,816 in general funds and adding \$851,936 in non-general funds in fiscal year 2019-2020, and \$207,816 in general funds and \$651,936 in non-general funds in fiscal year 2020-2021.

Your Committee has worked diligently to identify ways to support local farmers and increase Hawaii's food production.

Your Committee provides two temporary positions and \$851,936 for agribusiness development and research.

Your Committee also recognizes the Department's responsibility to care for the environment by protecting native lands and species. Your Committee provides four positions and \$207,816, in each fiscal year for Hawaii's Interagency Biosecurity Plan.

Your Committee also provides one permanent position and funding for the Animal Disease Control Branch's Airport Quarantine Holding Facility, to protect Hawaii from animal-borne dangers.

Your Committee recognizes the importance of clean water in regards to the health of the State. Your Committee provides \$600,000 in fiscal year 2020-2021 for a water quality monitoring program.

### Attorney General

Your Committee adjusts the Department of the Attorney General's appropriation by adding \$1,808,714 in general funds in fiscal year 2019-2020 and \$1,415,714 in general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in overseeing and managing a range of services for the State, including community treatment. The Department's legal services program received an addition of four permanent positions in each fiscal year and \$332,000 in fiscal year 2019-2020 and \$308,000 in fiscal year 2020-2021 to expedite assisted community treatment petitions.

Your Committee acknowledges the Department's increasing responsibilities in regards to criminal justice information and identification. Your Committee approves the addition of two permanent positions and \$169,000 in fiscal year 2019-2020 and two permanent positions and \$153,000 in fiscal year 2020-2021 for the Hawaii Criminal Justice Data Center.

Your Committee also provides \$700,000 in each fiscal year for special events security operations to prepare for unforeseen or large events that require additional security personnel.

## **Budget and Finance**

Your Committee adjusts the Department of Budget and Finance's appropriation by adding \$174,610 in general funds and \$13,997,488 in non-general funds in fiscal year 2019-2020, and \$38,756 in general funds and \$2,541,247 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in administering the retirement and survivor benefits program for state and county employees. To help manage the retirement system's resources, your Committee approves three permanent positions, two temporary positions, and \$3,705,665 for fiscal year 2019-2020, and \$1,957,257 for fiscal year 2020-2021 in other funds, for an actuarial experience study, telephone replacement system, and IT upgrades.

Your Committee recognizes that maintaining a secure, comprehensive and up-to-date database and IT system is crucial to the Department's success. As such, your Committee approves \$10,075,000 for fiscal year 2019-2020 and \$367,167 for fiscal year 2020-2021 for the Hawaii Employer-Union Trust Fund New Benefits Administration System. For the Office of the Public Defender, your Committee approves \$97,832 in fiscal year 2019-2020, and \$24,000 in fiscal year 2020-2021, for case management software.

#### Business, Economic Development, and Tourism

Your Committee adjusts the Department of Business, Economic Development, and Tourism's appropriation by adding \$3,996,348 in general funds and \$228,048 in non-general funds in fiscal year 2019-2020, and \$3,388,848 in general funds and \$285,048 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in promoting the growth and diversification of Hawaii's aerospace industry. Therefore, your Committee provides \$61,000 to the Challenger Center.

Your Committee also provides \$100,000 to attract international students through website upgrades and printed collateral to be distributed to target students in key regions around the world.

Your Committee acknowledges the need to further the education of Hawaii's creative professionals. Therefore, your Committee provides four permanent positions and \$331,804 in each fiscal year for Creative Lab Hawaii and the Creative Industries Division.

### Commerce and Consumer Affairs

Your Committee adjusts the Department of Commerce and Consumer Affairs' appropriation by adding \$3,884,000 in non-general funds in fiscal year 2019-2020, and \$3,444,000 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in maintaining consumer protection, health, safety, and welfare. In order to provide continued efficiency and operations for consumer benefit, your Committee approves \$2,500,000 in each fiscal year for insurance regulatory services.

Your Committee also provides five permanent positions and \$584,000 in each fiscal year for consumer advocacy for communication, utilities, and transportation services. These positions will better serve the State's needs by allowing the Division to develop in-house expertise.

Your Committee acknowledges the need for document management system modernization and enhancements. Therefore, your Committee approves \$500,000 in fiscal year 2019-2020, and \$260,000 in fiscal year 2020-2021 for the Public Utilities Commission.

## Defense

Your Committee adjusts the Department of Defense's appropriation by adding \$5,681,421 in general funds and \$988,612 in non-general funds in fiscal year 2019-2020, and \$5,360,771 in general funds and \$560,512 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the importance of honoring and supporting Hawaii's military veterans. Your Committee has provided \$125,000 in fiscal year 2019-2020 to the Hawaii State Veterans Cemetery for maintenance equipment.

Your Committee is also committed to disaster-preparedness and emergency management and approves \$620,664 for fiscal years 2019-2020 and the same sum in fiscal year 2020-2021 for twelve temporary positions to manage severe storms and the Kilauea Rift. Your Committee also provides \$145,650 in general funds for fiscal year 2019-2020 to the Hawaii Emergency Management Agency for communications infrastructure.

## Education

Your Committee adjusts the Department of Education's appropriation by adding \$16,490,770 in general funds and \$5,418,631 in non-general funds in fiscal year 2019-2020, and \$18,772,507 in general funds and \$5,772,499 in non-general funds in fiscal year 2020-2021.

# Regular Education

Your Committee acknowledges the success of investing in our keiki through programs such as the Early College High School Initiative and commits \$1,500,000 in each fiscal year for the continued funding of this initiative.

Your Committee recognizes the importance of the Sustainable Schools Initiative in achieving net-zero energy usage, by producing as much renewable energy as the Department consumes across all facilities, and appropriates \$2,000,000 for each fiscal year for electric utilities.

Your Committee understands that the safety and security of department facilities is of highest priority to the Department and allocates fifteen permanent positions for school complex resource services to provide immediate and on-the-spot safety, security, emergency preparedness, and risk management assistance and expertise.

#### Libraries

Your Committee recognizes the importance of having safe spaces in our communities to encourage learning and development. To help with this effort, your Committee approves \$522,942 for each fiscal year to increase security services.

Your Committee is also aware of a decline in libraries' revenue and an increase in prices for books and materials as a result of the rising demand for electronic books. Therefore, your Committee approves \$1,500,000 in each fiscal year for books and materials.

With the opening of the new Nanakuli Public Library and implementation of radio-frequency identification technology, your Committee approves an additional \$240,000 in each fiscal year to expand this technology to library branches with the highest circulation. The expansion of this technology will benefit the general public by enhancing electronic capabilities and increasing access and service.

#### Charter Schools

Your Committee is committed to supporting Hawaii's public charter schools and provides \$1,317,937 based on the per-pupil allocation for charter schools.

Your Committee recognizes the importance of attracting qualified teachers to, and retaining them in, our charter schools and provides \$667,050 in each fiscal year for the Hard-to-Staff incentive and \$142,000 in each fiscal year for the National Board Certified Teachers incentive. This will help charter schools provide a competitive salary for teachers.

#### Early Learning

Your Committee recognizes the efforts of the Executive Office on Early Learning and the Early Learning Board and supports the development of pre-kindergarten programs. Therefore, your Committee approves the addition of two permanent positions and \$133,415 and \$114,715, respectively, in each fiscal year, for prekindergarten program support.

#### Governor

Your Committee adjusts the Office of the Governor's appropriation by adding \$139,808 in general funds in fiscal year 2019-2020, and \$116,548 in general funds in fiscal year 2020-2021.

Your Committee recognizes the importance of the Governor's role in managing statewide disasters and adds \$100,000 for both fiscal years 2019-2020 and 2020-2021 for one temporary state disaster recovery coordinator.

Your Committee also recognizes the need for the Governor's office to work effectively and efficiently and approves \$39,808 for fiscal year 2019-2020 for computer updates.

### Health

Your Committee adjusts the Department of Health's appropriation by adding \$26,146,834 in general funds and \$2,409,532 in non-general funds in fiscal year 2019-2020, and adding \$32,397,652 in general funds and \$2,409,532 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in overseeing and managing a range of services for the State, including food safety. In order to maintain adequate food inspection services, your Committee provides fourteen permanent positions and \$1,588,349 for the Sanitation Branch.

Your Committee also recognizes the need to address the regulation of the rapidly expanding medical marijuana industry. Your Committee provides four permanent positions and \$280,000 in each fiscal year to fund the Office of Medical Cannabis Control and Regulation.

Your Committee also provides \$200,000 in each fiscal year for a telehealth pilot project aimed at utilizing new communications technology to increase the efficiency of medical care in Hawaii.

## Hawaii Health Systems Corporation

Your Committee recognizes the Hawaii Health Systems Corporation's role in overseeing and managing many of Hawaii's hospitals and provides \$14,500,000 for an operating subsidy.

Further, your Committee provides Kahuku Medical Center with \$1,000,000 for labor cost increases.

### Human Resources Development

Your Committee adjusts the Department of Human Resources Development's appropriation by adding \$623,371 in general funds and \$95,386 in non-general funds in fiscal year 2019-2020, and \$606,031 in general funds and \$95,386 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the importance of providing training and development opportunities for state employees and provides one permanent position and \$147,464 in fiscal year 2019-2020, and \$139,464 in fiscal year 2020-2021 for the Learning Management System.

Your Committee adds one permanent position and \$160,635 for the State's Chief Negotiator.

#### Human Services

Your Committee adjusts the Department of Human Services appropriation by adding \$18,699,375 in general funds and \$2,518,552 in non-general funds in fiscal year 2019-2020, and \$20,195,901 in general funds and \$4,247,690 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes that maintaining a secure, comprehensive and up-to-date database and IT system is crucial to the Department's success. As such, your Committee provides \$722,957 in general funds and \$641,112 in federal funds for fiscal year 2019-2020, and \$2,584,483 in general funds and \$2,291,900 in federal funds for fiscal year 2020-2021, for the benefit eligibility solution and enterprise platform.

#### Homeless Initiatives

Your Committee recognizes the Department's role in addressing homelessness statewide.

To provide services through the Housing First program, Rapid Re-Housing program, and Family Assessment Center, your Committee approves \$9,050,000. Additionally, your Committee approves \$1,750,000 in general funds for homeless outreach and civil legal services. Further, your Committee appropriates \$500,000 for fiscal year 2019-2020 and the same sum for fiscal year 2020-2021 for the continuation and expansion of the "Ohana Zones" project.

#### Hawaii Public Housing Authority

Your Committee finds the State Rent Supplement Program is in need of supplemental funding and therefore adds \$2,500,000 in each fiscal year for housing payments for low-income recipients.

## Labor and Industrial Relations

Your Committee adjusts the Department of Labor and Industrial Relations' appropriation by adding \$5,054,768 in general funds and \$50,000 in non-general funds in fiscal year 2019-2020, and \$6,255,547 in general funds and \$50,000 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the importance of the Department's Labor and Industrial Relations Appeals Board and adds one permanent position and \$85,000 in each fiscal year for necessary personnel and capacity to handle the growing caseload across the State.

Your Committee also acknowledges the increasing demands on the Disability Compensation Division and approves \$2,565,469 in fiscal year 2019-2020, and \$1,772,998 in fiscal year 2020-2021 for program improvement through the modernization of its processes and computer systems.

With the growth and success of the Hawaii Civil Rights Commission Mediation Program, your Committee approves the addition of one permanent position and \$52,956 for a program specialist to assist in the mediation process, in addition to the planning, development, and implementation of the Hawaii Civil Rights Commission's public education initiative.

## Land and Natural Resources

Your Committee adjusts the Department of Land and Natural Resources' appropriation by adding \$5,563,131 in general funds and \$400,000 in non-general funds in fiscal year 2019-2020, and adding \$4,779,631 in general funds and \$400,000 in non-general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's role in protecting endangered species and approves \$1,000,000 in each fiscal year for critical invasive species reports.

Your Committee acknowledges the need for continued response against rapid ohia death and therefore approves \$500,000 in each fiscal year for the Native Resources and Fire Protection Program.

Finally, your Committee supports the Department of Land and Natural Resources' initiative in seeking the input and guidance of native Hawaiian people on the lands of Hawaii and therefore approves \$100,000 in each fiscal year for the Aha Moku Advisory Committee.

## Department of Public Safety

Your Committee adjusts the Department of Public Safety's appropriation by adding \$3,431,617 in general funds and \$2,046,174 in non-general funds in fiscal year 2019-2020 and adding \$2,052,709 in general funds and \$1,926,339 in non-general funds in fiscal year 2020-2021.

Ongoing facility upgrades and maintenance are necessary for the safety of both inmates and the general public. Consequently, your Committee provides \$503,634 for fiscal year 2019-2020, and \$232,634 for fiscal year 2020-2021, for Kauai Community Correctional Center and Maui Community Correctional Center. Both Kulani Correctional Facility and Hawaii Community Correctional Center will receive \$501,560 in fiscal year 2019-2020 for various phone system upgrades.

Your Committee recognizes liability issues relating to inmate health care and has approved one permanent position and \$709,184 for various health services.

With the new Ewa and Mauka concourse at the Daniel K. Inouye International Airport, the Department anticipates the need for additional resources for continued services. Your Committee approves twenty-one permanent positions and \$2,046,174 and \$1,926,339 in fiscal year 2019-2020 and in fiscal year 2020-2021, respectively.

#### Taxation

Your Committee adjusts the Department of Taxation's appropriation by adding \$3,745,912 in general funds in fiscal year 2019-2020, and \$4,905,912 in general funds in fiscal year 2020-2021.

Your Committee recognizes the Department's intent to restructure and reorganize internal divisions to streamline processes and staff resulting in potential cost savings and increased employee engagement and value, while maintaining effectiveness. As such, your Committee approves two permanent positions and \$105,912 in each fiscal year for tax services and processing.

Your Committee also acknowledges that the Tax System Modernization project has demonstrated the potential to help taxpayers and the Department by speeding up processing times, ensuring greater accuracy, and securing taxpayer information. Therefore, in continuing to support the project, your Committee approves \$3,640,000 in fiscal year 2019-2020, and \$4,800,000 in fiscal year 2020-2021, for additional equipment and services to assist the Department with post-implementation efforts.

#### Transportation

Your Committee adjusts the Department of Transportation's appropriation by adding \$155,659,910 in non-general funds in fiscal year 2019-2020, and \$162,679,495 in non-general funds in fiscal year 2020-2021.

### Airports

Your Committee acknowledges the need for staffing for the new Mauka concourse and approves necessary personnel for Daniel K. Inouye International Airport, including fifty-three permanent positions and \$3,068,477 for fiscal year 2019-2020, and \$3,789,034 for fiscal year 2020-2021 for staffing and operational needs.

Your Committee recognizes the importance of the state airports system and allocates \$30,000,000 in each fiscal year for special maintenance of the airports system.

#### Harbors

Your Committee recognizes the importance of the state harbors system and appropriates \$5,000,000 in each fiscal year for special maintenance of the harbors system.

#### Highways

Your Committee recognizes that pedestrian safety is a priority for the Department of Transportation Highways Division and thus appropriates \$2,000,000 in each fiscal year for traffic control.

Finally, your Committee recognizes the importance of the state highways system and appropriates \$44,000,000 in fiscal year 2019-2020, and \$58,000,000 in fiscal year 2020-2021, for special maintenance of the highways system.

### University of Hawaii

Your Committee adjusts the University of Hawaii's appropriation by adding \$5,186,864 in fiscal year 2019-2020, and \$5,435,831 in fiscal year 2020-2021.

Your Committee approves \$1,471,000 in each fiscal year for the Hawaii Promise program to provide scholarships for college students with financial needs and to encourage more students to attend college.

Your Committee also provides other necessary personnel and capacity needs for the University of Hawaii by supporting graduate students, student mentors, and tutors. Your Committee approves \$2,198,360,000 in fiscal year 2019-2020, and \$2,242,327 in general funds in fiscal year 2020-2021, to support graduate student base salaries. Additionally, your Committee provides \$500,000 in each fiscal year for student mentors and tutors at community colleges.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 116, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 116, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

## SCRep. 1215 Ways and Means on H.B. No. 1259

The purpose and intent of this measure is to appropriate funds for the capital improvement project costs of the State for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Human Services, Department of Defense, Department of Hawaiian Home Lands, Department of Agriculture, Department of Transportation, Department of Public Safety, Department of Accounting and General Services, Department of Health, Department of Education, Hawaii Public Housing Authority, Stadium Authority, Office of Enterprise Technology Services, Hawaii State Public Library System, and one individual.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee received comments on this measure from the Department of Budget and Finance, Department of Land and Natural Resources, University of Hawaii, Executive Office on Early Learning, Early Learning Board, Hawaii Housing Finance and Development Corporation, Hawaii Technology Development Corporation, and Hawaii Health Systems Corporation.

Your Committee finds that this measure provides an opportunity to invest in the State's infrastructure while remaining fiscally prudent.

The Administration's proposed capital improvement program budget totaled:

	<u>FY 2020</u>	<u>FY 2021</u>
General Obligation Bonds	\$978,181,000	\$731,543,000
All Means of Financing	\$2,020,809,000	\$1,483,192,000

Your Committee has amended this measure by inserting provisions that amend the Administration's capital improvement program budget to provide the following in capital improvement funds to focus on critical and significant capital projects:

	<u>FY 2020</u>	<u>FY 2021</u>
General Obligation Bonds	\$923,747,000	\$542,158,000
All Means of Financing	\$1,866,324,000	\$1,245,406,000

Your Committee has also amended the effective date of the measure to January 7, 2059, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1259, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1259, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

### SCRep. 1216 Human Services on H.B. No. 1355

The purpose and intent of this measure is to appropriate funds for operational expenses of the State Commission on the Status of Women.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, and one individual. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that for over fifty years, the State Commission on the Status of Women has served as the main consultant to policymakers and as the central clearinghouse for women's resources. The Commission has also been instrumental in coordinating the three county commissions on women, producing statewide research, and supporting community programs on the most marginalized issues affecting women and girls. Your Committee further finds that the work of the State Commission on the Status of Women demonstrates the need for a continuing body to aid in the implementation of its recommendations, develop long-range goals, and coordinate research, planning, programming, and action on the opportunities, needs, problems, and contributions of women in Hawaii. This measure will provide the State Commission on the Status of Women the necessary funds to better fulfill the Commission's mandates and continue to be a voice and resource for Hawaii's women and girls.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1355, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

# SCRep. 1217 Human Services on H.B. No. 1417

The purpose and intent of this measure is to require the Department of Human Services to use an integrated and multigenerational approach to delivering human services to reduce the incidence of intergenerational poverty and dependence on public benefits.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Hawaiian Affairs, Hawai'i Primary Care Association, Parents and Children Together, and two individuals.

Your Committee finds that the Department of Human Services provides benefits and services to one in four Hawaii residents or nearly three hundred sixty thousand individuals, including benefits and services relating to homelessness, education, employment, health care, child care, food security, protective services, and vocational rehabilitation. Your Committee further finds that the Department of Human Services is part of a national movement to improve the delivery of human services and is adopting a service integration and multigenerational approach that is intended to improve the well-being of individuals, families, and the community; reduce dependence on public benefits; reduce the human and fiscal costs of poverty; and reduce intergenerational poverty. This measure requires the Department of Human Services to use an integrated multigenerational service delivery approach, which will refocus the Department of Human Services' efforts to provide available resources and support to reduce the time a child and family spends in poverty, stabilize the child's basic needs and environment to enhance the ability to learn, improve all recipients' economic security, and ultimately reduce intergenerational poverty in Hawaii.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1417, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1218 Human Services on H.B. No. 713

The purpose and intent of this measure is to establish a three-year homeless employment grant program within the Department of Human Services that provides homeless individuals with work opportunities and connects them with service providers.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness; Hawaii State Judiciary; The Institute for Human Services, Inc.; Hawaii Youth Services Network; Hawaii Kai Homeless Task Force; Honolulu County Republican Party; and seven individuals. Your Committee received comments on this measure for the Department of Human Services and State Procurement Office.

Your Committee finds that despite increased efforts and resources to reduce homelessness, homelessness still remains a significant issue in the State. Your Committee further finds that meaningful and sustainable employment is the key to creating and maintaining housing stability. Unemployment, underemployment, and low wages relative to rent are frequent causes of homelessness and burden millions of families with the risk of becoming homeless.

Your Committee recognizes that there is not enough housing subsidy to sustain housing for everyone who may need assistance. Alternatively, working with participants to gain meaningful and sustainable income through job training and apprenticeship programs is a way to assist homeless individuals in growing income and preventing returns to homelessness following housing placement. This measure establishes a homeless employment grant program, which will allow homeless individuals to gain valuable work experience, obtain longer-term, competitive employment, maintain housing stability, and progress to becoming self-sufficient and contributing to their community.

Your Committee has amended this measure by:

- (1) Clarifying that contracts between the Department of Human Services and a service provider or other qualified person or entity to administer the homeless employment grant program are exempt from section 103F, Hawaii Revised Statutes;
- Specifying that the period of performance for exempt contracts shall not exceed the three-year term of the homeless employment grant program;
- (3) Specifying additional requirements for the homeless employment grant program, including conducting an assessment; assisting homeless individuals with funding assistance; coordinating with homeless outreach, shelter, and case management services; and conducting training for financial literary skills;
- (4) Removing language that would have required the homeless employment grant program to connect homeless individuals with service providers at the appropriate time; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 713, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 713, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1219 Human Services on H.B. No. 218

The purpose and intent of this measure is to grant the Circuit Court when sentencing a minor for a criminal offense, the discretion to:

- Impose a sentence that includes a period of incarceration that is as much as fifty percent shorter than any mandatory minimum;
   and
- (2) In certain cases, decline to impose a mandatory enhanced sentence.

Your Committee received testimony in support of this measure from the State of Hawaii Office of the Public Defender, Hawaii Youth Services Network, Human Rights for Kids, Community Alliance on Prisons, and three individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from The Sex Abuse Treatment Center.

Your Committee finds that minors differ from adults in the way they behave, solve problems, and make decisions. Minors are more likely to be influenced by their peers, act on impulse, misread or misinterpret social cues, and engage in dangerous and risky behavior. Research has shown that minors have brains that are still developing and that they are still learning and maturing as they transition into adulthood. Your Committee further finds that the recent trend in the United States has been to give greater discretion to courts when sentencing minors. This measure gives the Circuit Court the opportunity to consider mitigating factors when determining an appropriate sentence for a minor, which will allow certain minors to avoid harsh mandatory sentencing and provide a greater opportunity for rehabilitation.

Your Committee has heard the concerns raised in testimony regarding the judicial discretion proposed by this measure. According to the Department of the Prosecuting Attorney of the City and County of Honolulu and The Sex Abuse Treatment Center, there is already a process by which the Family Court considers mitigating factors in determining whether a minor is transferred to and sentenced in the adult court system. Testimony also indicated that the adult court system already makes accommodations for minors when determining sentencing. Concerns were also raised that this measure requires the Circuit Court to consider leniency for those who committed violent felony offenses, and whose crimes resulted in serious injury to others. Your Committee acknowledges these concerns and notes that lighter sentencing guidelines for minors may be more appropriately applied for non-violent offenses.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the judicial discretion proposed by this measure does not apply when a minor is being sentenced for a felony that is a violent crime or that resulted in serious bodily injury; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 218, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 218, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1220 Water and Land on H.B. No. 1068

The purpose and intent of this measure is to make an appropriation for a Heeia State Park community-based long-range plan and education center for the Heeia National Estuarine Research Reserve System.

Your Committee received testimony in support of this measure from the Hawai'i Institute of Marine Biology, Aha Moku Advisory Committee, He'eia National Estuarine Research Reserve, The Nature Conservancy Hawai'i, Ko'olaupoko Hawaiian Civic Club, and Ko'olau Foundation. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the Heeia National Estuarine Research Reserve (HeNERR) is one of twenty-nine protected areas within the National Estuarine Research Reserve System. The HeNERR, which includes Heeia State Park, Heeia fishpond, and the Heeia community development district, as well as marine waters with patch and fringing reefs and Moku o Loe (Coconut Island), requires development of a community-based long-range plan for Heeia State Park to bring the activities in Heeia State Park into alignment with the community's interests, and to plan an education center that will help fulfill the mission of the state-federal partnership.

Your Committee has amended this measure by:

- (1) Clarifying that the appropriation is for the planning and design of an education center; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1068, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1068, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 1221 Water and Land on H.B. No. 1133

The purpose and intent of this measure is to limited access to the Maui Molokini Shoal Marine Life Conservation District (MLCD) to fifty percent of commercial permit holders at any time.

Your Committee received testimony in support of this measure from the Ocean Tourism Coalition, Trilogy Corporation dba Trilogy Excursions, Malolo Charters, Calypso Charters, Alii Nui Charters, Kai Kanani Sailing, Maui to Molokai Sea Cruises, Maui Classic Charters, PacWhale Eco Adventures, Blue Water Rafting, Animal Rights Hawai'i, Yuki Gatsu Seafoods Inc., and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, God's Country Waimānalo, The Nature Conservancy Hawai'i, and twenty-three individuals.

Your Committee finds that the Maui Molokini Shoal MLCD is an area about three miles off of Maui's southwestern coast containing the crescent shaped islet of Molokini. Access is by boat only, and there is no sand beach on Molokini. The area includes the cove with sand patches, coral, and basaltic boulders on the bottom, and a shallow reef in less than thirty feet of water. The diversity of fish and other marine life within the MLCD is among the most impressive in the State; even humpback whales have been known to enter the cove, making it a popular attraction for visitors. As the popularity of the MLCD continues to increase, it is essential to set limits to ensure the sustainability and health of this precious resource for present and future generations.

Your Committee has amended this measure by:

- (1) Inserting language to prohibit the issuance of more than forty access permits for the MLCD;
- (2) Clarifying that access to the MLCD at any one time shall be limited to no more than fifty percent, rounded to the lesser of the nearest whole number, of the current number of permit holders; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1133, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1133, H.D. 2, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 1222 Water and Land on H.B. No. 454

The purpose and intent of this measure is to appropriate funds to support native dryland forest restoration, management, and maintenance on Kaho'olawe Island Reserve.

Your Committee received testimony in support of this measure from the Kaho'olawe Island Reserve Commission, County of Maui, Aha Moku Advisory Committee, Ocean Tourism Coalition, EcoTipping Points Project, and twenty-two individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that prior military use of Kahoʻolawe has greatly impacted the native dryland forest of the Kahoʻolawe Island Reserve. Ongoing restoration efforts include data collection on species currently living in the Reserve, monitoring of threats to the ecosystem and its species, reforestation and re-vegetation of portions of the island, erosion control systems, and replacement of alien plant species with native species. Your Committee finds it necessary to provide adequate funding to support native dryland forest restoration, management, and maintenance on Kahoʻolawe Island Reserve.

Your Committee has amended this measure by moving language that details the appropriation from the purpose section to the appropriation section.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 454, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 454, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Nishihara).

### SCRep. 1223 Water and Land on H.B. No. 558

The purpose and intent of this measure is to appropriate funds for the establishment of four full-time equivalent permanent ocean safety officers and equipment for use by ocean safety officers at Manini 'ōwali Beach at Kua Bay in the Kekaha Kai State Park on the island of Hawaii.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Tourism Authority, Office of the Mayor of the County of Hawai'i, three members of the Hawai'i County Council, Hawai'i County Fire Commission, Hawai'i State Association of Counties, and Kohala Coast Resort Association.

Your Committee finds that Kua Bay, at Kekaha Kai State Park, between Kona and the resorts of the Kohala Coast on the island of Hawaii, has recently seen an increase in visits by locals and tourists, making Kua Bay one of the most popular beaches in the State. The increase in visitation has been accompanied by an increase in dangerous incidents, injuries, and deaths, which could be mitigated by placement of lifeguards at Kua Bay. Although Kua Bay is under the jurisdiction of the Department of Land and Natural Resources, the State currently does not employ its own lifeguards at Kua Bay. Your Committee finds that the employment of lifeguards and purchase of necessary equipment at Kua Bay will help to save lives and prevent injury to residents and visitors.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 558, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 1224 Water and Land on H.B. No. 455

The purpose and intent of this measure is to provide funds to the Department of Land and Natural Resources for the Kahoʻolawe Island Reserve Commission to effectively meet the unique challenges of restoring, preserving, and determining the appropriate uses of the Kahoʻolawe Island Reserve for the people of Hawaii and for two positions for the Commission.

Your Committee received testimony in support of this measure from the Kahoʻolawe Island Reserve Commission, Aha Moku Advisory Committee, County of Maui, Ocean Tourism Coalition, and fourteen individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that extensive erosion and other ecological problems and the presence of unexploded ordnance, archaeological and other cultural and historic sites, and native and endangered flora and fauna necessitated a new management regime to effectively meet the unique challenges of restoring, preserving, and determining the appropriate use of Kahoʻolawe. As a result, management and control of Kahoʻolawe was transferred to the Kahoʻolawe Island Reserve Commission in 2004, with funding from federal and state sources; however, funding has run low in recent years. Your Committee further finds that the Kahoʻolawe Island Reserve Commission is not only restoring the ecological damage on Kahoʻolawe and protecting its endangered and rare flora and fauna, it is also ensuring that the people of Hawaii who access the Kahoʻolawe Island Reserve can do so meaningfully and safely. Therefore, your Committee finds it necessary to provide adequate funding for the Kahoʻolawe Island Reserve Commission.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 455, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Nishihara).

### SCRep. 1225 Labor, Culture and the Arts on Gov. Msg. No. 601

Recommending that the Senate advise and consent to the nomination of the following:

### DIRECTOR OF THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

G.M. No. 601 RYKER WADA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Ryker Wada for service as the Director of Human Resources Development.

Your Committee received testimony in support of the nomination for the appointment of Mr. Wada from the Governor; Department of Human Resources Development; Department of Accounting and General Services; Department of Human Services; Office of Enterprise Technology Services; Department of Budget and Finance; Department of Health; Department of Land and Natural Resources; Department of Labor and Industrial Relations; Department of Transportation; Department of Agriculture; Department of Business, Economic Development, and Tourism; Department of Public Safety; University of Hawaii Professional Assembly; United Public Workers, AFSCME, Local 646, AFL-CIO; YMCA of Honolulu; Hawaii State Teachers Association; SanHi Government Strategies LLP; and nine individuals.

Your Committee finds that Mr. Wada is currently the Director of Human Resources Development. Previously, he served as the Deputy Director of Human Resources Development and as the Personnel Regional Officer of the Department of Education from February 2015 to January 2017. Mr. Wada has served, among other positions, as a managing attorney for the Legal Aid Society of Hawaii; Legislative Specialist in the Business Registration Division of the Department of Commerce and Consumer Affairs; Law Clerk at Wong Oshima, Attorneys at Law; and a staff attorney for the House of Representatives Committee on Consumer Protection and Commerce during the Regular Session of 2001. Mr. Wada was admitted to practice law in the State in 2003. He received a Juris Doctorate from the University of California, Hastings College of Law and a Bachelor of Arts in Political Science from the University of Washington.

Your Committee believes that Mr. Wada, with approximately sixteen years of experience in human resources, possesses the qualifications to continue to serve as the Director of Human Resources Development. More particularly, his invaluable experience in public sector labor relations will continue to serve him well in numerous labor protocols overseen by the Department. Testifiers commented on Mr. Wada's intelligence, passion, commitment, leadership skills, ability to collaborate, approachability, supportive nature, strong commitment to Hawaii's public servants, and passion for public service – qualities that benefit the Department as it strives to fulfil its mandates.

Your Committee notes that testifiers also remarked that Mr. Wada has demonstrated the ability to modernize the state government's workforce, provide timely and responsive leadership, resources, and service to fully support the State in recruitment and retention, and lead the Department of Human Resources Development. As the Director of Human Resources Development, Mr. Wada oversees the planning, directing, and coordinating of the State's personnel programs and human resource management practices and also serves as the Chief Negotiator for all collective bargaining with the State's public sector union. In his own testimony, Mr. Wada emphasized his commitment to creating a more sustainable workforce in Hawaii and contributing to society at large. Mr. Wada strongly believes that he has the experience and tools to continue to help the Department move forward.

Your Committee finds that Mr. Wada's vast experience, leadership, and collaborative nature will continue to serve him well as the Director of Human Resources Development.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Chang).

### SCRep. 1226 Agriculture and Environment on H.B. No. 1483

The purpose and intent of this measure is to amend the Greenhouse Gas Sequestration Task Force nomination and appointment process.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Healthy Climate Communities, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Organizing for Action, and fourteen individuals. Your Committee received comments on this measure from the Office of Planning, Trees for Honolulu's Future, The Outdoor Circle, 350Hawaii.org, and two individuals.

Your Committee finds that the Greenhouse Gas Sequestration Task Force was permanently established in 2018. The Greenhouse Gas Sequestration Task Force's mission, in part, is to examine opportunities to increase carbon sequestration through added trees and vegetation to reduce urban temperatures and thereby protect public health.

Your Committee received testimony from the Office of Planning indicating that after the end of the current fiscal year, the Greenhouse Gas Sequestration Task Force will not have sufficient funds to continue reimbursing Task Force members for reasonable expenses necessary for the performance of their duties. The Office of Planning further testified that there are no operational funds to enable the Task Force to fulfill its statutory mandates and requested \$300,000 for this purpose.

Your Committee has amended this measure accordingly by:

- (1) Inserting an appropriation of \$300,000 for the Office of Planning to administer the Greenhouse Gas Sequestration Task Force;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1483, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1483, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ruderman, Thielen, Fevella). Noes, none. Excused, none.

### SCRep. 1227 Agriculture and Environment on H.B. No. 1366

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs under the purview of the Department of Health to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- Amending the position ceilings, appropriation amounts, and means of financing for HTH840, Environmental Management, as per the Department of Health's written testimony;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1366, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1366, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 1228 Agriculture and Environment on H.B. No. 1103

The purpose and intent of this measure is to make an appropriation into and out of the pesticide use revolving fund to the Department of Agriculture to assist in eradication of the coffee berry borer through the pesticide subsidy program.

Your Committee received testimony in support of this measure from the Department of Agriculture, one member of the Hawai'i County Council, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawai'i Farm Bureau, and Hawaii Cattlemen's Council.

Your Committee finds that invasive species are a primary threat to Hawaii's agriculture and economy. The coffee berry borer is a significant coffee pest in Hawaii and around the world. Your Committee further finds that this measure's funding will allow the Department of Agriculture to continue to support coffee farmers through the duration of the pesticide subsidy program.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$350,000 for the pesticide subsidy program;
- (2) Funding the pesticide subsidy program directly through general revenues, rather than through the pesticide use revolving fund;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1103, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1103, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1229 Agriculture and Environment on H.B. No. 1367

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Health to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- Amending the position ceilings and appropriation amounts for HTH849, Environmental Health Administration, as per the Department of Health's written testimony;
- (2) Inserting an effective date of July 1, 2019; and

(3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that consideration be given to incorporate the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1367, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1367, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 1230 Agriculture and Environment on H.B. No. 860

The purpose and intent of this measure is to appropriate funds for the acquisition of the property identified as tax map key number (1)9-2-001:011-0000 to help fulfill the State's constitutional duty to conserve and protect land in the agricultural district and promote diversified agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture, Agribusiness Development Corporation, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Farm Bureau, and one individual.

Your Committee finds that it is in the best interest of the State to purchase land to make it available for farmers with a long-term lease at an affordable price. Your Committee further finds that tax map key number (1) 9-2-001:011-0000 is located at 94-488 Kunia Road on Oahu and encompasses two hundred eighty-two acres counting the existing baseyard and greenhouse infrastructure. The existing facilities and buildings are in good working order and can be repurposed with minimal changes. The Agribusiness Development Corporation plans to use this parcel for multiple purposes, such as Department of Agriculture animal and plant industry activities, research and development projects for outdoor and controlled environment growing systems, and commercial agriculture.

Your Committee further finds that the acquisition of the land and buildings in Kunia will significantly increase the available agricultural land under the State's control and can provide farmers with long-term leases that will enhance the economic viability of Hawaii's agricultural industry. Your Committee believes that this is an opportunity to further support and expand the State's ability to provide agricultural lands for farmers, which is consistent with the State's constitutional duty to conserve and protect land in the agricultural district and promote diversified agriculture.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$15,000,000; and
- (2) Inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 860, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 860, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1231 Agriculture and Environment on H.B. No. 1365

The purpose and intent of this measure is to appropriate or authorize funds for certain programs of the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawai'i Farm Bureau, and Hawaii Cattlemen's Council.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for certain programs of the Department of Agriculture to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Eliminating provisions related to revolving funds and the subtraction of \$750,000 in general funds for each fiscal year from AGR 846;
- (2) Changing the funding source for the two permanent positions from revolving funds to general funds and amending the appropriation amount to \$97,896 per fiscal year;
- (3) Changing the effective date to July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means chooses to pass this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1365, H.D. 1, as amended herein, and recommends that it

pass Second Reading in the form attached hereto as H.B. No. 1365, H.D. 1, S.D. 1, and be referred to your Committee on Ways and

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1232 Agriculture and Environment on H.B. No. 1561

The purpose and intent of this measure is to:

- (1) Appropriate or authorize funds for programs of the Department of Agriculture;
- (2) Require the Auditor to conduct a performance audit of the Agribusiness Development Corporation and authorize the Auditor to conduct a financial audit of the Corporation if sufficient funds are available; and
- (3) Require the Agribusiness Development Corporation to include certain information in its annual report to the Governor and Legislature and post the information on its website.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawai'i Center for Food Safety, Hawai'i Farm Bureau, Hawai'i Alliance for Progressive Action, and one individual. Your Committee received comments on this measure from the Agribusiness Development Corporation and the Office of the Auditor.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Agribusiness Development Corporation to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

Your Committee further finds that the Agribusiness Development Corporation coordinates and administers programs to assist agricultural enterprises with the transition from plantation operations to other agricultural enterprises. This task requires the Agribusiness Development Corporation to acquire agricultural lands, develop and restore critical infrastructure, including irrigation and water sourcing, and develop diversified agricultural facilities, among other responsibilities. As a public corporation, it is in the best interests of the State to audit and require the inclusion of certain information relating to the Corporation's lands and projects in its annual report for public transparency and oversight.

Your Committee has amended this measure by:

- (1) Inserting an appropriation of \$125,000 for fiscal year 2019-2020 for the Auditor to contract with an accounting firm to conduct an audit of the Agribusiness Development Corporation;
- (2) Reinserting the appropriation amounts from the original version of this measure;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that there is some ambiguity as to the scope of the audit and requests that your Committee on Ways and Means consider the Auditor's testimony requesting the Legislature to identify specific programs or activities that the Auditor should examine in the course of the audit of the Agribusiness Development Corporation.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1561, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1561, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1233 Agriculture and Environment on H.B. No. 1562

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture and Hawai'i Farm Bureau.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Agriculture to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Inserting the Department of Agriculture's operating budget requests, position counts, and appropriation amounts as per the Department's written testimony;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1562, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1562, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1234 Agriculture and Environment on H.B. No. 425

The purpose and intent of this measure is to appropriate funds to the Department of Health to establish one full-time equivalent position to conduct water quality assessments on all streams and coastal waters on the island of Hawaii, investigate complaints, and enforce surface water regulations.

Your Committee received testimony in support of this measure from the Mayor of Hawai'i County, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the Clean Water Branch of the Department of Health has inadequate staff capacity to meet its obligations to perform timely monitoring that helps ensure the island of Hawaii's stream and coastal water safety for public swimming, fishing, and other recreation. The Department of Health has only one water quality resident inspector for the County of Hawaii. Your Committee further finds that contaminants from waste water treatment plant outfalls, injection wells, and cesspools need to be addressed by the Clean Water Branch because of the contaminants' role in harming coral reefs on the island of Hawaii.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$50,772;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 425, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 425, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

### SCRep. 1235 Agriculture and Environment on H.B. No. 530

The purpose and intent of this measure is to expand the availability of agricultural loans by committing certain monies available in the state treasury for the creation of linked investments through agreements with eligible lending institutions.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual. Your Committee received comments on this measure from the Department of Agriculture and Department of Budget and Finance.

Your Committee finds that one method to support agriculture is the linked investment concept, which began in Iowa and has successfully helped diversify Iowa's agricultural-based economy, has been expanded to assist women- and minority-owned small businesses, and has helped increase employment opportunities for rural communities facing a business closure, traditional livestock producers, and others.

Your Committee further finds that under a linked investment program for agriculture proposed by this measure, a person or enterprise proposing to engage in an agricultural enterprise would apply to a lending institution that will evaluate the proposal and certify the applicant as an eligible borrower. The institution would then prepare a linked investment loan package and submit it to the Director of Finance. If the Director accepts the loan package, the Director will place a certificate of deposit for the loan amount with the lending institution.

Your Committee believes that expanding the availability of agricultural loans through a linked investment program will help local farmers increase and diversify agricultural production in furtherance of the sustainability and self-sufficiency goals of the State.

Your Committee has amended this measure by:

- Authorizing, rather than requiring, the Director of Finance to consider the availability of state funds when accepting or rejecting a linked investment loan package;
- (2) Requiring the Director of Finance to approve certificates of deposit renewals;
- (3) Limiting certificates of deposit renewals to five additional one-year periods, to conform to section 36-21, Hawaii Revised Statutes;
- (4) Clarifying that certificates of deposit are not to be considered security for the linked investment;
- (5) Prohibiting the Director of Finance from investing in linked investments more than \$5,000,000 of monies available in the state treasury for deposit under section 38-2, Hawaii Revised Statutes;
- (6) Appropriating funds to the Department of Budget and Finance to hire one full-time equivalent position to administer the new linked investment program;

- (7) Amending section 1 to reflect its amended purpose; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 530, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 530, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Ruderman, Thielen). Noes, none. Excused, 1 (Fevella).

### SCRep. 1236 Agriculture and Environment on H.B. No. 616

The purpose and intent of this measure is to exempt amounts received by a producer of locally grown produce and locally raised livestock food products from the general excise tax.

Your Committee received testimony in support of this measure from the Department of Agriculture, Ulupono Initiative, Hawaii Cattlemen's Council, Hawaii Food Industry Association, Honolulu County Republican Party, Hawaii Farm Bureau, Maui Chamber of Commerce, and three individuals. Your Committee received comments on this measure from the Department of Taxation, Department of the Attorney General, and Tax Foundation of Hawaii.

Your Committee finds that this measure offers a tax exemption for farmers and ranchers of local produce and livestock for consumption within the State. Your Committee further finds that this measure would support food producers by making local products more competitive and less costly to produce. Additionally, the cost savings for producers can have a trickle-down effect and reduce the cost of locally produced food products for consumers.

Your Committee also finds that this measure supports the State's goals of food security and self-sufficiency with direct benefits to farmers and ranchers who locally grow agricultural products. Your Committee believes that this measure will help produce more local food and support an economically-robust, homegrown agricultural industry that can benefit the community with fresh, healthy food.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 616, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1237 Agriculture and Environment on H.B. No. 123

The purpose and intent of this measure is to abolish the Hawaii Department of Agriculture biocontrol foreign exploration special fund pursuant to the recommendation by the Auditor in Auditor's Report No. 18-15, and transfer the unencumbered balances to the general fund.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Agriculture and Tax Foundation of Hawaii.

Your Committee finds that the Hawaii Department of Agriculture biocontrol foreign exploration special fund was administratively established in 2010 for the Department of Land and Natural Resources to transfer monies to the Department of Agriculture at the direction of the Hawaii Invasive Species Council to support foreign exploration and research of biocontrol agents. The remaining funds in the biocontrol foreign exploration special fund were returned to the Department of Land and Natural Resources, and, as of January 2019, the fund balance is zero dollars.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 123, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1238 Labor, Culture and the Arts on H.B. No. 418

The purpose and intent of this measure is to appropriate or authorize funds for programs of the State Foundation on Culture and the Arts.

Your Committee received testimony in support of this measure from the State Foundation on Culture and the Arts and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Accounting and General Services to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 418, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 418, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1239 Labor, Culture and the Arts on H.B. No. 1532

The purpose and intent of this measure is to allow hearsay evidence to be admitted and considered in unfair labor practices proceedings.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Hawaii Labor Relations Board hears cases involving unfair labor practices. Under the existing law, the Hawaii Labor Relations Board is not allowed to consider hearsay evidence in unfair labor practices proceedings. Your Committee also finds that although there are concerns that hearsay evidence, if allowed, could lead to less than reliable evidence being considered, the Hawaii Labor Relations Board is able to consider all the evidence presented in its deliberation and assign the evidence the proper weight. This measure will provide the Hawaii Labor Relations Board with the opportunity to evaluate in totality all facts and circumstances and allow it to consider all of the evidence in its decision-making process.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1532, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1240 Water and Land on H.B. No. 125

The purpose and intent of this measure is to repeal or abolish various non-general funds and accounts pursuant to the recommendations by the Auditor in Auditor's Report No. 18-19 and to transfer the unencumbered balances to the general fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that pursuant to section 23-12, Hawaii Revised Statutes, the Auditor produced Auditor's report No. 18-19, Review of Special Funds, Revolving Funds, Trust Funds, and Trust Accounts of the Department of Land and Natural Resources, in December 2018. The Auditor found that seventeen funds and accounts did not meet certain criteria and made recommendations to close a number of them. This measure abolishes specific non-general funds and accounts pursuant to the Auditor's recommendations.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 125, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1241 Water and Land on H.B. No. 451

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources for the operational expenses and staffing costs of the Hawaii Association of Conservation Districts.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Hawai'i Farm Bureau; Maui County Farm Bureau; Land Use Research Foundation of Hawaii; Hawaii Cattlemen's Council, Inc.; Hawaii Association of Conservation District; Ka'u Soil and Water Conservation; Maui Soil and Water Conservation District; Local Food Coalition; Ulupono Initiative; Larry Jefts Farms, LLC; Ponoholo Ranch, Ltd.; Hawaii Coffee Association; Hawai'i Center for Food Safety; A'a Li'i Farm; Birds With Arms Farms; East Kauai Soil and Water Conservation District; and fifty-seven individuals.

Your Committee finds that the Hawaii Association of Conservation Districts consist of sixteen soil and water conservation districts throughout the State who work together in a variety of ways to help protect and sustain Hawaii's natural environment. The Hawaii Association of Conservation Districts continues to work closely with a variety of federal and state agencies including the U.S. Environmental Protection Agency, United States Department of Agriculture's Natural Resources Conservation Service, University of Hawaii, and Hawaii State Department of Health. Your Committee further finds that due to funding shortages, the Hawaii Association of Conservation Districts has been limited in its ability to provide assistance to many farmers who can benefit from its services.

Your Committee has amended this measure by making it effective on July 1, 2019.

Your Committee recommends that your Committee on Ways and Means consider the request of the Hawaii Association of Conservation Districts to include its budget of \$500,000 in the Department of Land and Natural Resources' base operating budget.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 451, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 451, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1242 Government Operations on H.B. No. 169

The purpose and intent of this measure is to clarify provisions of the State Ethics Code regarding gift disclosure statements, retention of financial disclosure statements, transcripts from contested case hearings, and ethics training.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission.

Your Committee finds that under existing law, the gift disclosure statement reporting period is from June 1 of the preceding calendar year through June 1 of the year of the report, which means that a gift received on June 1 must be reported twice.

Your Committee further finds that the State Ethics Commission is currently required to keep financial disclosure statements for the duration of the term of office of the legislator, employee, or delegate, plus an additional six years after filers leave office, which causes an unnecessary amount of administrative recordkeeping, especially in the case of Legislators who stay in office for many years.

Your Committee additionally finds that under the Uniform Information Practices Act (UIPA), contested case hearings are public. However, language under the State Ethics Code restricts access to transcripts, which conflicts with the policies underlying UIPA.

Your Committee also finds that existing law states that an ethics training session must be held in January and last a minimum of two hours, which is outdated and does not reflect the actual training being provided. Currently, training is offered multiple times a year and often lasts between an hour to an hour and a half.

Accordingly, this measure addresses these issues and improves administration of the State Ethics Code by eliminating the double filing requirement of gift disclosure statements, reducing the unnecessary administrative burden on commission staff by only requiring records to be kept six years after the filing date of each financial disclosure statement, eliminating language that restricted access to transcripts, and providing flexibility for participants in mandatory ethics training sessions.

Your Committee has amended this measure by changing its effective date to July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 169, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 169, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1243 Labor, Culture and the Arts on H.B. No. 32

The purpose and intent of this measure is to extend the deadline for the Legislative Reference Bureau to submit the sunrise analysis required by Act 109, Session Laws of Hawaii 2018, from September 1, 2019, to November 13, 2019.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii State Commission on the Status of Women, Hawaii State Teachers Association, Hawaii Women's Coalition, American Association of University Women of Hawaii, Hawaii Appleseed Center for Law & Economic Justice, Hawaii Children's Action Network, PHOCUSED, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Maui Chamber of Commerce, Retail Merchants of Hawaii, and one individual. Your Committee received comments on this measure from the Legislative Reference Bureau, and Chamber of Commerce Hawaii.

Your Committee finds that Act 109, Session Laws of Hawaii 2018 (Act 109), directed the Legislative Reference Bureau to conduct a sunrise analysis to determine the impacts of the establishment of a paid family leave program on industry, consumers, employees, employers, and caregivers. The intent of Act 109 was to lay the groundwork for the establishment of a paid family leave framework that will enable all employees to access leave benefits during times when they need to provide care for a family member. Your Committee further finds that the Legislative Reference Bureau issued a request for proposals to conduct the analysis, then found that it was in the best interest of the State to cancel the request. Your Committee also finds that due to the cancelation of the original request for proposals, it would be difficult, given the current timeframe, for the Legislative Reference Bureau to sufficiently conduct and provide a thorough and concise analysis by the September 1, 2019, submission deadline. This measure would allow the Legislative Reference Bureau additional time to submit its analysis.

Your Committee has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 32, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 32, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1244 Labor, Culture and the Arts on H.B. No. 157

The purpose and intent of this measure is to:

- (1) Expand the types of employee information government agencies are required to disclose, upon written request, to employee exclusive representatives; and
- (2) Require that information regarding new hire employees under the collective bargaining disclosure requirements be provided to the appropriate exclusive representatives within an unspecified payroll period.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly; United Public Workers, AFSCME, Local 646, AFL-CIO; and Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of Human Resources Development and Department of Education.

Your Committee finds that exclusive representatives represent each and every employee in a bargaining unit and as such, need to have pertinent employment information within a certain period of time to be able to best serve their members. However, under existing law, the information to be provided to exclusive representatives is limited and often times, may not be provided in a timely manner. This measure will ensure that exclusive representatives have the necessary information to contact employees to provide them with information regarding available protections and benefits.

Your Committee notes the concerns of the Department of Education that because of the timing of when new hires begin employment and the fact that physical workplace addresses may frequently change, the Department may have difficulty meeting all of the requirements of this measure. As such, as this bill moves through the legislative process, your Committee will work with the Department to craft language that addresses the Department's concerns while ensuring that the exclusive representative receives the necessary information in a timely manner.

Your Committee has amended this measure by changing the effective date to October 1, 2019, to give the Department of Education additional time after the start of the school year to be able to meet the requirements of this measure.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 157, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 157, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1245 Labor, Culture and the Arts on H.B. No. 1008

The purpose and intent of this measure is to:

- (1) Transfer the Office of Collective Bargaining and Managed Competition from the Office of the Governor to the Department of Human Resources Development; and
- (2) Rename the Office of Collective Bargaining and Managed Competition to the Office of Collective Bargaining.

Your Committee received testimony in support of this measure from the Office of the Governor and Department of Human Resources Development.

Your Committee finds that because no position is authorized or appropriated for the chief negotiator position within the Office of Collective Bargaining, the Director of Human Resources Development has assumed the duties and responsibilities of the chief negotiator, which includes assisting the Governor in formulating statewide philosophy for public collective bargaining. With no staff currently allocated to the Office of Collective Bargaining, the Department of Human Resources Development Labor Relations Division provides the necessary support to the Director of Human Resources Development in the Director's role as chief negotiator. By transferring the Office of Collective Bargaining to the Department of Human Resources Development, this measure helps to maintain the institutional knowledge of the statewide philosophy for collective bargaining within one department that will span across future executive administrations.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1008, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1008, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1246 Labor, Culture and the Arts on H.B. No. 1187

The purpose and intent of this measure is to appropriate and authorize from other funds of the Employees' Retirement System Pension Trust for fiscal biennium 2019-2021, the additional sum of \$3,628,613 for fiscal year 2019-2020, and the additional sum of \$1,885,525 for fiscal year 2020-2021 for various Employees' Retirement System operating costs and services.

Your Committee received testimony in support of this measure from the Employees' Retirement System.

Your Committee finds that the Employees' Retirement System's (ERS) objectives are to provide retirement and survivor benefits to state and county employees, retirees, beneficiaries, and inactive vested members, as well as to prudently maximize the return on its

investment portfolio in an effort to guarantee availability of needed funds, lower long-term employer and employee contributions, and ultimately lower the cost to taxpayers. Your Committee also finds that this measure allows for the expenditure of other (non-general) funds of the ERS for services that will ultimately improve the ERS as a whole.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1187, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1187, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

### SCRep. 1247 Hawaiian Affairs on H.B. No. 1116

The purpose and intent of this measure is to require the candidates for the Board of Trustees of the Office of Hawaiian Affairs to be displayed on the ballot by residency and non-residency requirements and to randomize the order of candidate names within those groupings and among precincts.

Your Committee received testimony in support of this measure from the Council for Native Hawaiian Advancement and three individuals. Your Committee received comments on this measure from the Office of Elections and one individual.

Your Committee finds that under existing law, names of candidates for the Board of Trustees of the Office of Hawaiian Affairs are placed on the ballot in alphabetical order. However, ballot order has been shown to affect election outcomes and the first name on the ballot generally has an advantage over names listed further down the ballot. To mitigate any advantage that may arise from the order of candidate names on the ballot, this measure requires that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be randomized on individual ballots and also randomly rotated between precincts.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1116, H.D. 1, and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

#### SCRep. 1248 Hawaiian Affairs on H.B. No. 1402

The purpose and intent of this measure is to establish the micro enterprise assistance program on Hawaiian home lands subaccount within the Hawaii community-based economic development revolving fund to provide grants and loans through the micro enterprise assistance program to qualified native Hawaiian entities.

Your Committee received testimony in support of this measure from the Council for Native Hawaiian Advancement, Sovereign Council of Hawaiian Homestead Associations, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance; Department of the Attorney General; Department of Business, Economic Development, and Tourism; and Department of Hawaiian Home Lands.

Your Committee finds that when Hawaii was admitted to the Union, the Hawaii Admission Act of 1959 transferred complete responsibility of the Hawaiian Homes Commission Act and Hawaiian home lands from the federal government to the State. One of the goals of the Hawaiian Homes Commission Act that the State agreed to undertake is to enable native Hawaiians to live self-sufficient lives on the Hawaiian home lands. This measure is intended to help achieve that goal by providing grants and loans to support commercial and community projects being initiated on Hawaiian homelands.

Your Committee understands the constitutional concerns raised by the Attorney General, however your Committee also notes the position of proponents of this measure that the State's obligation under the Hawaiian Homes Commission Act remains in effect today and, while the State has traditionally used the Department of Hawaiian Home Lands to fulfill this obligation, it is not the only agency at the State's disposal to meet its responsibilities. Your Committee further notes that the Department of Business, Economic Development, and Tourism has experience administering programs similar to the one contemplated in this measure and has authority to contract with outside sources for program administration as it deems necessary.

Your Committee has amended this measure by:

- (1) Establishing the micro enterprise assistance program on Hawaiian home lands revolving fund in lieu of creating a subaccount within the Hawaii community-based economic development revolving fund;
- (2) Clarifying that loans and grants under this measure may be provided to qualified native Hawaiians, native Hawaiian-controlled homestead associations, and Hawaiian homestead associations' designated community development corporations;
- (3) Removing references to the Hawaiian home lands development program as a source of monies for the micro enterprise assistance program on Hawaiian home lands revolving fund; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1402, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1402, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

#### SCRep. 1249 Hawaiian Affairs on H.B. No. 172

The purpose and intent of this measure is to:

- (1) Appropriate funds for various operating expenses of the Office of Hawaiian Affairs;
- (2) Allocate an unspecified amount of trust funds appropriated to the Office of Hawaiian Affairs to reimburse the Auditor for expenses related to a financial and management audit of the Office of Hawaiian Affairs; and
- (3) Allocate unspecified amounts of funds appropriated for beneficiary advocacy to social services, educational improvement programs, legal services, and housing issues.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Ke One O Kakuhihewa – Oʻahu Council of the Association of Hawaiian Civic Clubs, Council for Native Hawaiian Advancement, ALEA Bridge, Aliʻi Pauahi Hawaiian Civic Club, The Queen's Health Systems, Kuaʻāina Ulu 'Auamo, Kamehameha Schools, Prince Kūhiō Hawaiian Civic Club, Association of Hawaiian Civic Clubs, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual. Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Office of Hawaiian Affairs to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee further finds the Auditor's 2018 Audit of the Office of Hawaiian Affairs did not include a review of the limited liability companies created and used by the Office of Hawaiian Affairs in the course of its business. A performance and management audit of the Office of Hawaiian Affairs' limited liability companies may address community concerns, increase government transparency, and ensure public funds are expended effectively.

Your Committee has amended this measure by:

- (1) Limiting the audit of the Office of Hawaiian Affairs to a financial and management audit of limited liability companies created and used by the Office of Hawaiian Affairs and clarifying that auditing functions may be contracted to outside parties;
- (2) Changing the means of financing for the financial and management audit to general funds;
- (3) Expanding the permissible uses of beneficiary funds allocated for legal services to include assisting with Department of Hawaiian Home Lands matters; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating items in this measure into the appropriate legislative vehicle as necessary or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 172, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 172, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

### SCRep. 1250 (Joint) Human Services and Commerce, Consumer Protection, and Health on H.B. No. 1270

The purpose and intent of this measure is to:

- (1) Extend the hospital sustainability program for two years;
- (2) Clarify exemptions from the hospital sustainability fee;
- (3) Increase the allowable aggregate fees charged to a hospital from 3.5 percent to 4.0 percent; and
- (4) Appropriate funds out of the hospital sustainability special fund for fiscal years 2019-2020 and 2020-2021.

Your Committees received testimony in support of this measure from the Department of Human Services, Healthcare Association of Hawaii, Kaiser Permanente Hawai'i, Hawai'i Pacific Health, Hawaii Medical Service Association, The Queen's Health Systems, and Chamber of Commerce Hawaii.

Your Committees find that the hospital sustainability program was established in 2012 to increase Medicaid payments to hospitals in recognition that Medicaid payments to hospitals were below the actual costs of care. Because of the hospital sustainability program, Medicaid payments to many hospitals in the State are closer to the actual costs of care, which helps ensure that Medicaid patients have access to the hospital care they need. This measure extends the hospital sustainability program, which will allow hospitals in the State to continue to serve underinsured and uninsured patients in a timely, effective manner, and ensure the overall sustainability of the health care system in Hawaii.

Your Committees have amended this measure by:

- (1) Changing the effective date to June 29, 2019; provided that the appropriation shall take effect on July 1, 2019; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1270, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1270, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Nishihara, Fevella).

#### SCRep. 1251 (Joint) Human Services and Commerce, Consumer Protection, and Health on H.B. No. 1449

The purpose and intent of this measure is to:

- (1) Extend the nursing facility sustainability fee program to 2021;
- (2) Allow the nursing facility sustainability fee to be used to enhance capitated rates for the purpose of paying quality incentives;
- (3) Increase the nursing facility sustainability fee limit from 4.0 to 5.5 per cent of net patient service revenue;
- (4) Increase the per resident daily maximum fee from \$13.46 to \$20 for each facility, and increase the per resident reduced daily maximum fee from \$5.85 to \$9 for facilities that meet certain exceptions; and
- (5) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of Human Services, The Queen's Health Systems; Healthcare Association of Hawaii, and Hawaii Medical Service Association.

Your Committees find that nursing facilities in the State face major financial challenges in providing quality long-term care for Hawaii residents. As a result, the Legislature created the nursing facility sustainability program to increase Medicaid payments to nursing facilities, in recognition that Medicaid payments to nursing facilities are below the actual costs of care. The additional federal funds obtained via the fee program authorized by the nursing facility sustainability program have helped to reduce the amount of losses incurred by long-term care facilities and maintain access to care for Medicaid recipients. This measure extends the nursing facility sustainability program, which will preserve access to quality health care for Medicaid recipients.

Your Committees have amended this measure by:

- (1) Changing the effective date to June 29, 2019; provided that the appropriation shall take effect on July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1449, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1449, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Nishihara, Fevella).

### SCRep. 1252 Agriculture and Environment on H.B. No. 1170

The purpose and intent of this measure is to establish and fund a new waste management solution pilot project to demonstrate new toilet and sewage treatment technologies and to expedite demonstration projects.

Your Committee received testimony in support of this measure from the Department of Health, County of Hawai'i Department of Environmental Management, Surfrider Foundation Hawaii Chapter, Surfrider Foundation Kaua'i Chapter, Hawaii Reef and Ocean Coalition, and two individuals.

Your Committee finds that non-point source discharge from cesspools is a serious threat to the State's water quality. The State has about 88,000 cesspools, which makes it the state with the highest number of cesspools in the country. These substandard wastewater systems leach an estimated 53 million gallons per day of untreated human waste, harmful pathogens, and nutrient loads into nearby waters. Cesspools' effluent can contaminate drinking water, streams, and oceans with disease-causing pathogens, algae-causing nutrients, and other harmful substances.

Your Committee further finds that determining the appropriate replacements for the numerous cesspools currently in use in the State requires study and reliable local alternatives. Your Committee finds that this measure would support necessary real world testing of proposed solutions to the cesspool closure process, such as demonstrating new toilet and sewage treatment technologies.

Your Committee has amended this measure by:

- (1) Making it effective on July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1170, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1170, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1253 Agriculture and Environment on H.B. No. 463

The purpose and intent of this measure is to require and appropriate funds to the Department of Agriculture to partner with the agricultural community to establish a food safety certification training program for small and medium sized farms to comply with federal requirements.

Your Committee received testimony in support of this measure from the Department of Agriculture, University of Hawai'i System, Ulupono Initiative, Hawaii Food Industry Association, North Shore Economic Vitality Partnership, and Hawai'i Farm Bureau.

Your Committee finds that the Department of Agriculture works in partnership with the University of Hawaii College of Tropical Agriculture and Human Resources, which trains farmers on how to comply with the federal Food Safety Modernization Act, United States Food and Drug Administration's Produce Safety Rule, and requirements of the United States Department of Agriculture's Good Agricultural Practices requirements. Your Committee also finds that compliance with the Food Safety Modernization Act and Good Agricultural Practices certification are important for helping to ensure food safety and marketing and farm success.

Your Committee further finds that by requiring the Department of Agriculture to partner with the local agricultural community to develop and establish a food safety certification training program, this measure will help local farms produce food that meets certain food safety standards and spur an increase in the supply of safe, locally grown food. Your Committee also finds that an appropriation of \$150,000 in each year of fiscal biennium 2019-2021 is necessary to achieve the intent of this measure.

Your Committee has amended this measure accordingly by:

- (1) Inserting an appropriation amount of \$150,000 for each fiscal year of the 2019-2021 biennium;
- (2) Making it effective on July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 463, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 463, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1254 Agriculture and Environment on H.B. No. 1503

The purpose and intent of this measure is to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and vandalism cases in the County of Hawaii, including theft and vandalism affecting individuals who are not full-time farmers or ranchers.

Your Committee received testimony in support of this measure from the Department of Agriculture, County of Hawai'i Office of the Mayor, County of Hawai'i Office of the Prosecuting Attorney, one member of Hawai'i County Council, Ulupono Initiative, Hawai'i Farm Bureau, Maui County Farm Bureau, Hawaii Coffee Association, and two individuals.

Your Committee finds that agricultural vandalism and theft have resulted in economic hardships for farmers and their families. Your Committee also finds that the Department of Agriculture entered into a two-year contract with the Hawaii County Office of the Prosecuting Attorney for one investigator to conduct agricultural theft and agricultural vandalism investigations. This project has been valuable and productive and has included outreach to farmers and law enforcement officers. Your Committee further finds that due to the large land area of Hawaii County, funding for at least two positions is needed to conduct an agricultural theft and vandalism pilot project.

Your Committee has therefore amended this measure by:

- (1) Inserting an appropriation amount of \$200,000 for each fiscal year of the 2019-2020 biennium and specifying the use of appropriated funds to hire two full-time equivalent enforcement officers for the pilot project;
- (2) Making it effective on July 1, 2019; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1503, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1503, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1255 Agriculture and Environment on H.B. No. 201

The purpose and intent of this measure is to clarify that authorized agents may enter private property to control and eradicate invasive species under certain circumstances.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Aha Moku Advisory Committee, County of Hawai'i Office of the Mayor, Coordinating Group on Alien Pest Species, Hawaiian Electric

Companies, Hawai'i Farm Bureau, Maui Chamber of Commerce, and four individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that it is critically important to address new invasive pest species as soon as they are detected. Recent invasive pest species projects have included control of the little fire ant and coqui frog on Kauai, Maui, and Oahu; mongoose on Kauai; myoporum thrips on Oahu; and banana bunchy top virus on Molokai.

Your Committee recognizes that it can be challenging to positively confirm the presence of an invasive species on private property prior to obtaining access to that property. This measure would ameliorate the issue of positive identification of invasive species by allowing state departments that are members of the Invasive Species Council, counties, and their employees and authorized agents to enter private property to confirm the presence of an invasive species, and perform a control action as necessary, upon a reasonable suspicion of the presence of an invasive species on the private property.

Your Committee has amended this measure by:

- (1) Amending the purpose section to reflect that this measure is not intended to enable entry onto private property to eradicate non-prohibited pet animals; and
- (2) Making it effective on July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 201, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 201, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1256 (Joint) Agriculture and Environment and Water and Land on H.B. No. 461

The purpose and intent of this measure is to:

- (1) Support and direct the Hawaii Climate Change Mitigation and Adaptation Commission to further progress in addressing the impacts of sea level rise, identify critical public infrastructure in impacted areas, and provide policy direction to the Legislature on concrete strategies for mitigation and adaptation to sea level rise; and
- (2) Appropriate funds for the Commission's activities and for the Climate Change Mitigation and Adaptation Coordinator position.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai's System, IMUAlliance, Sierra Club of Hawai's, League of Women Voters of Hawaii, Chamber of Commerce Hawaii, and twenty-one individuals. Your Committees received comments on this measure from the Office of Planning and Building Industry Association Hawaii.

Your Committees find that the State is already experiencing the impacts of climate change, including rising sea levels, extreme tides, accelerated coastal erosion, and stronger, more frequent storms. Your Committees further find that the Hawaii Climate Adaptation Initiative was established in 2014 with the purpose of protecting the State's economy, health, environment, and way of life by considering how to best adapt to and mitigate the impacts of climate change. In 2017, the Governor signed Act 32, Session Laws of Hawaii 2017, establishing the Hawaii Climate Change Mitigation and Adaptation Commission. Act 32 also appropriated funds through fiscal year 2019 for a Climate Change Mitigation and Adaptation Coordinator position.

Your Committees also find that appropriating funds for the Climate Change Mitigation and Adaptation Commission and its coordinator position will further the State's goals of monitoring, responding to, and adapting to climate change.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$1,000,000 for the Climate Change Mitigation and Adaptation Commission to conduct its activities;
- (2) Inserting an appropriation amount of \$75,000 to fund the Climate Change Mitigation and Adaptation Coordinator position;
- (3) Making it effective on July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 461, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 461, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella). Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

### SCRep. 1257 (Joint) Agriculture and Environment and Water and Land on H.B. No. 1028

The purpose and intent of this measure is to expand the type of revenue that can be deposited into the endangered species trust fund to allow the Department of Land and Natural Resources to seek additional types of revenue for the implementation of chapter 195D, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and five individuals.

Your Committees find that Hawaii has the unfortunate distinction of being the endangered species capital of the nation. Hawaii's iconic native plants and animals are being threatened by invasive species, fire, and disease. Your Committees further find that funding is limited for the protection of plants and animals that are part of Hawaii's natural and cultural legacy.

Your Committees also find that by allowing fees and assessments charged for any use, rather than only commercial use, of public land and waters, this measure would expand the type of revenue that the Department of Land and Natural Resources could access for endangered species protection. Additionally, this measure enables the Department of Land and Natural Resources to find innovative funding mechanisms to help protect endangered species.

Your Committees have amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1028, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1028, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

### SCRep. 1258 Government Operations on H.B. No. 1307

The purpose and intent of this measure is to require the Legislative Reference Bureau to:

- (1) Conduct a study on establishing a state central hearing agency, to be known as the Office of Administrative Hearings; and
- (2) Submit a report of its findings and recommendations to the Legislature.

Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that in many jurisdictions, administrative adjudications take place within a single agency that combines regulatory, enforcement, prosecutorial, and adjudicatory authority. Your Committee believes that this combination of functions creates a potential conflict of interest and may also compromise the integrity of administrative adjudications.

Your Committee also finds that in certain jurisdictions, the conflict of interest inherent in the same agency acting as both prosecutor and judge has led to the establishment of state central hearing agencies, in which an independent administrative law judge, who is completely independent of the agency prosecutorial functions, presides over the administrative litigation. Hawaii does not have a centralized office of administrative hearings and your Committee finds that further examination into the establishment of such an office is necessary.

Your Committee has heard the testimony by the Legislative Reference Bureau, raising concerns that this measure, as drafted, requires the Bureau to compile, review, and analyze a considerable amount of data already in the hands of the relevant state departments and agencies but does not require the potentially affected departments and agencies to provide this data to the Bureau. Your Committee understands these concerns and concludes that amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the contents of the report that must be completed by the Legislative Reference Bureau and submitted to the Legislature, including:
  - (A) Requiring all state departments and agencies that conduct or delegate contested case hearings to provide certain statistical, non-confidential data to the Bureau by August 1, 2019, rather than requiring the Bureau to independently compile and determine this information; and
  - (B) Requiring the Bureau to research whether other jurisdictions have centralized administrative hearings offices, and if so, how those offices are run by the respective jurisdictions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

This amended measure will require state departments and agencies with contested case hearings to provide statistical information to the Legislative Reference Bureau to facilitate the Legislative Reference Bureau's research, in hopes of establishing a centralized office of administrative hearings that will improve the integrity of administrative adjudications in Hawaii.

Your Committee notes that this amended measure does not require state departments and agencies to provide confidential information on particular case hearings but instead is requesting statistical cumulative numbers so as to facilitate the Legislative Reference Bureau's research.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1307, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1307, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1259 Energy, Economic Development, and Tourism on H.B. No. 422

The purpose and intent of this measure is to authorize contracts entered into by the Hawaii Tourism Authority for the marketing of all uses of the Hawaii Convention Center to be issued separately from the management, use, operation, or maintenance of the facility.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority and Hawai'i Lodging & Tourism Association.

Your Committee finds that under existing law, the management contract for the Hawaii Convention Center is required to include the marketing of the facility. By allowing the management contract to be separate from the marketing contract, this measure will provide the Hawaii Tourism Authority with the ability to centralize the sales effort for all business relating to meetings, conventions, and incentives, which primarily results from customer requests that are directed to a single point of contact. In addition, centralizing the sales effort will enable efficiencies in staffing, marketing, travel, and sales technology as well as leverage existing destination branding and messaging for the meetings, conventions, and incentives business market.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 422, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1260 Energy, Economic Development, and Tourism on H.B. No. 739

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Hawaii Tourism Authority under the purview of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Hawaii Tourism Authority to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests your Committee on Ways and Means to incorporate the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 739, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1261 Energy, Economic Development, and Tourism on H.B. No. 842

The purpose and intent of this measure is to:

- (1) Establish a Hawaii State Planning Act Review Commission to review and make recommendations to the Legislature to update the Hawaii State Planning Act;
- (2) Remove a reference to achieving the viability of Hawaii's sugar and pineapple industries from the Hawaii State Planning Act's agricultural objectives; and
- (3) Appropriate funds.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that the Hawaii State Planning Act was enacted in 1978 to improve the planning process and guide future development of the State by setting forth the Hawaii State Plan, which articulates goals and policies to guide the development of the State and establishes an integrated planning and implementation system regarding those goals and policies. Within the last few years, there have been significant changes in Hawaii's economic, physical, and social conditions; technology; and the global marketplace. The State also faces new constraints and opportunities as it plans for the future. Accordingly, your Committee finds that it is necessary to establish the Hawaii State Planning Act Review Commission to update the Hawaii State Planning Act by amending and refocusing the goals, objectives, and policies of the State to reflect current cultural, economic, and societal goals.

Your Committee has amended this measure by:

- (1) Changing the administrative attachment of the Hawaii State Planning Act Review Commission from the Department of Business, Economic Development, and Tourism to the Office of Planning;
- (2) Inserting an appropriation amount of \$250,000 to the Office of Planning; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 842, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 842, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1262 Energy, Economic Development, and Tourism on H.B. No. 855

The purpose and intent of this measure is to:

- (1) Transfer the administration of the building energy efficiency revolving loan fund to the Hawaii Green Infrastructure Authority;
- (2) Expand the purpose of the building energy efficiency revolving loan fund to include a broader range of clean energy technologies and rename it as the clean energy revolving loan fund; and
- (3) Make an appropriation out of the clean energy revolving loan fund to make clean energy investment loans or for other approved uses.

Your Committee received testimony in support of this measure from the Hawaii Green Infrastructure Authority, Blue Planet Foundation, Hawaii Reef and Ocean Coalition, Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi, Organizing for Action, 350Hawaii, and three individuals. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that investing in Hawaii's evolving energy market and providing affordable energy options for Hawaii's ratepayers will be necessary to achieve the State's energy goals. However, a significant barrier to clean energy adoption has been the availability of flexible financing and low-cost capital. Building Hawaii's clean energy infrastructure at the lowest possible cost is vital to reach the State's goal of one hundred percent clean energy by 2045. Your Committee also finds that a variety of financing options must be available to support Hawaii's clean energy investment and serve all of Hawaii's ratepaying customers. This measure will repurpose the building energy efficiency revolving fund to accelerate the adoption of renewable energy and energy efficiency and help businesses and families who are currently underserved by existing market-based clean energy solutions.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 855, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1263 Energy, Economic Development, and Tourism on H.B. No. 895

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of this measure from the Land Use Commission and Hawaii Community Development Authority. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Business, Economic Development, and Tourism to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Deleting all program appropriations;
- (2) Adding appropriations for BED144, statewide planning and coordination, from S.B. No. 989, S.D. 2 (Regular Session of 2019);
- (3) Adding an appropriation for five positions for BED144, statewide planning and coordination, from H.B. No. 1404, H.D. 2 (Regular Session of 2019); and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 895, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 895, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1264 (Joint) Agriculture and Environment and Water and Land on H.B. No. 1487

The purpose and intent of this measure is to establish a Honolulu shoreline climate protection pilot project to develop a plan to protect urban Honolulu from the impacts of climate change and be used as a model for the entire State.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Pacific Resource Partnership, IMUAlliance, Sierra Club of Hawai'i, The Trust for Public Land, Surfrider Foundation, Hawaii Bicycling League, and twenty-one individuals. Your Committees received comments on this measure from the Office of Planning; City and County of Honolulu Office of Climate Change, Sustainability and Resiliency; Hawaii Regional Council of Carpenters; and Lei of Parks.

Your Committees find that, due to climate change, Hawaii has seen over one-half foot of sea level rise in recent decades, and Honolulu is expected to begin seeing regular flooding of the urban core within fifteen years. Climate change and warming seas are also causing Hawaii to see more hurricanes of increasing intensity than before.

Your Committees further find that a comprehensive shoreline protection pilot project can create a shoreline buffer and reduce the risk of coastal disaster events as well as catalyze other projects to address inland inundation. Your Committees also find that a comprehensive shoreline climate protection pilot project can serve as a model for new ways to engage neighborhoods and allow residents opportunities to expand park space, redevelop the urban landscape, and add amenities to enrich their communities.

Your Committees have amended this measure by:

- Replacing the term "low-lying topography" with "sea level rise exposure area maps, as officially adopted by the Hawaii Climate Change Mitigation and Adaptation Commission" to further clarify landscape designations;
- (2) Requiring, instead of authorizing, the Hawaii Climate Change Mitigation and Adaptation Commission to partner with the City and County of Honolulu in designing a plan for the coastal protection of urban Honolulu;
- (3) Inserting an appropriation amount of \$2,000,000 to develop the Honolulu shoreline climate protection pilot project;
- (4) Making it effective on July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1487, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1487, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

### SCRep. 1265 (Joint) Agriculture and Environment and Water and Land on H.B. No. 549

The purpose and intent of this measure is to amend chapter 205A, Hawaii Revised Statutes, to strengthen state policies to reduce residential exposure to coastal hazards, protect state beaches, and update statutory language for consistency.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; City and County of Honolulu Office of Climate Change, Sustainability and Resiliency; Environmental Caucus of the Democratic Party of Hawai'i; IMUAlliance; Sierra Club of Hawai'i; and twenty-three individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii and Building Industry Association of Hawaii. Your Committees received comments on this measure from the Office of Planning and County of Kaua'i Department of Planning.

Your Committees find that the existing coastal zone management policies and regulations, with respect to the protection of beaches, beach access, and beach ecosystems, are inadequate to address present-day concerns, including sea level rise and other natural and human impacts. Your Committees further find that existing policies and regulations need to be updated to reconcile development along dynamic beach systems while protecting the natural environment. Your Committees also find that state coastal zone management policies should be strengthened to conserve beaches for present and future generations while reducing hazard exposure to shorefront communities.

Your Committees have amended this measure by:

- (1) Defining the term "beach";
- (2) Defining the term "coastal hazards" to include sea level rise, and substituting that term where appropriate;
- (3) Updating objectives of the coastal zone management program relating to beach protection and policies of the coastal zone management program relating to recreational resources, economic uses, coastal hazards, and beach protection;
- (4) Specifying that "development", for purposes of special management areas, does not include construction or reconstruction of a single-family residence that is not situated on a parcel that is impacted by waves, storm surges, high hide, or shoreline erosion;
- (5) Deleting the provision that made section 205A-29, Hawaii Revised Statutes, inapplicable to permits for uses within the conservation district;
- (6) Amending the conditions that must be met in order for a county planning commission or county council to:
  - (A) Waive the public hearing requirement prior to action on a shoreline setback variance application for protection of a legal structure or public facility; and
  - (B) Grant a shoreline setback variance for certain private facilities or improvements;
- (7) Deleting language that would have excepted the inadvertent taking from the shoreline area of certain materials from the prohibition on mining or taking of certain items from the shoreline area;
- (8) Making it effective on July 1, 2019; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 549, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 549, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1266 (Majority) Water and Land on H.B. No. 1025

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources (Board) to extend commercial, industrial, resort, or governmental leases, other than those to which the University of Hawaii is a party, that have not been transferred or assigned within the last five years, for lessees who commit to making substantial improvements to the existing improvements.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, HPM Building Supply; McCully Works; David S. De Luz, Sr. Enterprises, Inc.; and Downtown Laundry Express. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaiii, and two individuals.

Your Committee finds that many of the leases for commercial, industrial, and resort properties on public land statewide may be nearing the end of their lease terms. Faced with the uncertainty of continued tenancy, lessees have little incentive to make major investments in infrastructural improvements and therefore the infrastructure on these properties has been deteriorating. Authorization of lease extensions, like those proposed by this measure, may resolve issues surrounding the future of improvements located on currently leased public lands.

Your Committee has amended this measure by:

- (1) Inserting a blank for all references to numbers of years and percentages;
- (2) Exempting leases of public lands owned by the Department of Hawaiian Home Lands;
- (3) Inserting a blank repeal date; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1025, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1025, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, 1 (Keith-Agaran).

### SCRep. 1267 Water and Land on H.B. No. 1035

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaiian Humane Society, The Humane Society of the United States, and two individuals.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulations across jurisdictions and could prevent wildlife violators who have lost their hunting, fishing, trapping, or other wildlife related privileges in other member states from obtaining a hunting license in Hawaii. Your Committee further finds that the Interstate Wildlife Violator Compact is a common sense way for states to share information on violators who have lost their hunting, fishing, trapping, or other wildlife related privileges and that Hawaii should be participating in this agreement or a similar agreement.

Your Committee has amended this measure by:

- (1) Making it effective on July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1035, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1035, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1268 Water and Land on H.B. No. 1171

The purpose and intent of this measure is to appropriate or authorize funds for the native resources and fire protection program of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, The Nature Conservancy Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Coordinating Group on Alien Pest Species, and twelve individuals.

Your Committee finds that funds appropriated for the native resources and fire protection program will allow the Department of Land and Natural Resources to implement the Governor's biosecurity plan, expand rapid ohia death response, monitoring, and research, and address critically endangered species. This measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources' native resources and fire protection program to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1171, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1171, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1269 Water and Land on H.B. No. 1325

The purpose and intent of this measure is to require the Department or Board of Land and Natural Resources to:

- Give prior notice to the Game Management Advisory Commission when establishing or amending watershed areas, projects, or management plans on state lands;
- (2) Provide watershed management plans to the Game Management Advisory Commission prior to the Board's issuance or renewal of a water rights lease; and
- (3) Suspend all aerial shooting activity if the Board has not adopted rules incorporating recommendations by the Commission.

Your Committee received testimony in support of this measure from the Hawaii Firearms Coalition and seven individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, The Nature Conservancy Hawaii'i, Hawaii Hunting Association, and one individual. Your Committee received comments on this measure from the Hawaii Sportsmen's Alliance.

Your Committee finds that the stakeholders who are most affected by decisions made by the Department of Land and Natural Resources and its partners regarding wildlife and wildlife resources should be given proper notice and opportunities to express their concerns over practices that modify access, utilization, or management of these resources.

Your Committee has amended this measure by:

- Deleting language that would have required the Department of Land and Natural Resources to give prior notice to the Game Management Advisory Commission before establishing a new watershed project or management plan on state lands or amending any existing watershed project or management plan for state lands;
- (2) Inserting language that requires the Department of Land and Natural Resources to work collaboratively with the Game Management Advisory Commission to develop and implement sustainable game management practices and plans in areas assigned and associated with watershed protection in accordance with the powers and duties of the Department under section 183D-2, Hawaii Revised Statutes;
- (3) Deleting language that would have suspended all aerial shooting activity if the Board of Land and Natural Resources has not adopted rules incorporating recommendations by the Commission; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1325, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1325, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1270 Water and Land on H.B. No. 1405

The purpose and intent of this measure is to adjust the operating budget of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Kahoʻolawe Island Reserve Commission, East Kauai Water Users' Cooperative, Hawaiʻi Farm Bureau, and Sierra Club of Hawaiʻi.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Land and Natural Resources to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Making it effective on July 1, 2019; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent and to consider the Sierra Club of Hawai'i's request to appropriate at least \$200,000 to LNR 101 for the climate change coordinator position.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1405, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1405, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1271 (Joint) Water and Land and Agriculture and Environment on H.B. No. 1548

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to study and combat rapid ohia death.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Office of the Mayor of the County of Hawai'i, one member of the Hawai'i County Council, University of Hawai'i at Mānoa College of Tropical Agriculture and Human Resources, Hawai'i Farm Bureau, The Nature Conservancy Hawai'i, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, and eight individuals. Your Committees received comments on this measure from the Hawaii Cattlemen's Council, Inc.

Your Committees find that ohia makes up approximately eighty percent of the State's native forests and is a keystone species in native watershed areas. Your Committees recognize that rapid ohia death is devastating thousands of acres of native forest and that it is vital to take appropriate steps now to prevent the further spread of the fungus throughout the islands.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$2,003,000;
- (2) Making it effective on July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1548, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1548, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

### SCRep. 1272 Water and Land on H.B. No. 589

The purpose and intent of this measure is to require the Department of Land and Natural Resources to implement certain recommendations made by the Office of the Auditor in Auditor's Report No. 19-01, *Audit of the Department of Land and Natural Resources' Land Conservation Fund*.

Your Committee received testimony in support of this measure from the Office of the Auditor and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources and The Trust for Public Land.

Your Committee finds that the land conservation fund was established for the express purpose of acquiring land having resource value to the State. The land conservation fund and the associated legacy land conservation program are administered by the Department of Land and Natural Resources, which delegated that responsibility to the Division of Forestry and Wildlife. The Auditor found that the program missed fiscal deadlines, causing funding to lapse; the Department mistakenly paid a total of nearly \$685,000 for state central service fees; and the land conservation fund was used to pay the salary of an employee who is doing work unrelated to the legacy land conservation program. In addition, the program has not tracked and fully reported required information to the Legislature on the balances of land conservation fund monies transferred to the trust account. This measure implements safeguards to ensure that the land conservation fund and legacy land conservation program are properly managed and administered.

Your Committee has amended this measure by:

- (1) Clarifying the legislative findings in section 1 to accurately reflect Auditor's Report No. 19-01;
- (2) Extending the deadline for the completion of the Resource Land Acquisition Plan from January 1, 2020, to June 30, 2021;
- (3) Extending the deadline for implementation of the Auditor's recommendations from January 1, 2020, to June 30, 2021;
- (4) Requiring the Department of Land and Natural Resources to report on its progress as part of the annual report to the Governor and Legislature required pursuant to chapter 173A, Hawaii revised Statutes, rather than reporting to the Auditor and Legislature; and

(5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 589, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 589, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1273 (Joint) Water and Land and Agriculture and Environment on H.B. No. 594

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for the design and construction of an exploratory well for the proposed Kunia wells IV pump station.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Agribusiness Development Corporation; City and County of Honolulu Board of Water Supply; Hawai'i Farm Bureau; Land Use Research Foundation of Hawaii; Hawaii Cattlemen's Council, Inc.; Hawaii Crop Improvement Association; Local Food Coalition; and form letter signed by thirty individuals.

Your Committees find that Oahu farmers require greater amounts of potable water for irrigation and compliance with federal Food Safety Modernization Act rules. Your Committees further find that an exploratory water well for the proposed Kunia wells IV pump station will provide additional water supply for growth, including diversified agriculture.

Your Committees have amended this measure by:

- Clarifying the purpose section to better reflect the Board of Water Supply proposals regarding the proposed Kunia wells IV pump station;
- (2) Making it effective on July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 594, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 594, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

### SCRep. 1274 (Joint) Water and Land and Agriculture and Environment on H.B. No. 765

The purpose and intent of this measure is to require the incorporation of sea level rise projections in all new state plans and updates to existing state plans generated under the Hawaii State Planning Act pursuant to chapter 226, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Planning, Sierra Club of Hawaii, League of Women Voters of Hawaii, Young Democrats of Hawaii, and twenty-two individuals.

Your Committees find that in December 2017, the Hawaii Climate Change Mitigation and Adaptation Commission accepted the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). The first recommendation of the SLR Report is to recognize the SLR-XA (Sea Level Rise Vulnerability Area) as a statewide vulnerability zone. The SLR-XA demonstrates the extent of the potential exposure of land and structures to flooding and erosion with an increase of 0.5, 1.1, 2.0, and 3.2 feet of sea level rise throughout the State. Your Committees find that planning for sea level rise is necessary to protect coastal structures, infrastructure, and environments and therefore must be considered for purposes of state planning.

Your Committees have amended this measure by:

- (1) Making it effective on July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 765, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 765, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

### SCRep. 1275 Water and Land on H.B. No. 808

The purpose and intent of this measure is to protect sharks and rays by:

- (1) Establishing fines and penalties for knowingly capturing, taking, possessing, abusing, or entangling a shark, whether alive or dead, or killing a shark, within state marine waters;
- (2) Expanding the existing prohibition on knowingly capturing or killing a manta ray to apply to all rays; and

(3) Expanding the prohibition regarding rays to include knowingly taking, possessing, abusing, or entangling a ray, whether alive or dead, or killing a ray, within state marine waters.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy Hawai'i, Sierra Club of Hawai'i, The Humane Society of the United States, Humane Society International, West Hawaii Humane Society, Snorkel Bob's Hawaii, For the Fishes, Friends of Hanauma Bay, and over one hundred fifty individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual.

Your Committee finds that sharks and rays are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that sharks and rays play a vital historical and cultural role in Hawaii, including Native Hawaiian customary and traditional rights protected by the Hawaii State Constitution. In 2010, Hawaii became the first state in the nation to enact a prohibition on the sale of shark fins and fin products; however, the law does not prohibit the taking of whole live sharks in state waters. Your Committee finds that this loophole must be closed to protect Hawaii's valuable sharks, and manta ray protections must be expanded to include all rays.

Your Committee has amended this measure by:

- (1) Inserting the Hawaiian words hāhālua, hailepo, and lupe, associated with rays;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 808, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 808, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 1276 Water and Land on H.B. No. 896

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Land and Natural Resources

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Society for Hawaiian Archaeology.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by deleting its contents and inserting language from S.B. No. 1490, S.D. 2, which adjusts the amounts appropriated or authorized for the Department of Land and Natural Resources from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 896, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 896, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1277 Water and Land on H.B. No. 897

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW).

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii State Fire Council, Honolulu Fire Department, Maui Fire Department, Kaua'i Fire Department, and The Nature Conservancy Hawai'i.

Your Committee finds that DOFAW is the primary responder for wildland fires occurring on nearly one million acres of forested watershed and co-responds with federal and county agencies on additional lands in the State. In addition to wildfire suppression, DOFAW serves as part of the State Emergency Response Team to address other emergencies and disasters, such as hurricanes and lava events. Specialized equipment in good working order is essential for DOFAW's success in safely responding to such emergencies throughout the State. DOFAW's other programs include forest restoration via tree planting, enhancement of recreational forest areas and trails, revenue opportunities through commercially valuable forest products, and management of invasive pests and diseases. This measure appropriates funding for fire and emergency response equipment and a number of DOFAW's forest management programs and positions.

Your Committee has amended this measure by making it effective on July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 897, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 897, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1278 Judiciary on H.B. No. 903

The purpose and intent of this measure is to require the Judiciary to establish a financial hardship task force.

Your Committee received testimony in support of this measure from the Judiciary; Community Alliance on Prisons; Hawaii Island HIV/AIDS Foundation; Habitat for Humanity Hawaii Island, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and four individuals.

Your Committee finds that under existing law, individuals who cannot afford to pay court-ordered fines or fees may have their driver's licenses suspended for failure to pay. Your Committee further finds that, especially for low-income persons or persons living in remote areas with minimal or no public transportation, driver's license suspension may deprive individuals of their only means of transportation to and from work, threatening their employment. Your Committee additionally finds that with limited or no income, individuals are even less likely to pay fines or fees, which may lead to greater penalties. This measure will require the Judiciary to establish a task force to examine the disparate impact of existing judiciary policies on low-income individuals in the court system.

Your Committee has amended this measure by:

- (1) Limiting the scope of the task force to:
  - (A) Examining the financial disparity imposed on low-income individuals in the court system;
  - (B) Analyzing other mechanisms regarding the nonpayment of fines rather than suspending drivers' licenses;
  - (C) Coordinating with applicable agencies; and
  - (D) Analyzing any other programs deemed necessary; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 903, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 903, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1279 Judiciary on H.B. No. 1380

The purpose and intent of this measure is to:

- (1) Create a comprehensive public funding program for candidates for county elections beginning in 2022; and
- (2) Appropriate funds to the Campaign Spending Commission.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Democratic Party of Hawai'i, League of Women Voters of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Common Cause Hawaii, and one individual. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that candidate public financing programs are voluntary programs in which public funds are provided to candidates who agree to limit their campaign spending. Your Committee further finds that the primary purposes of these programs is to reduce the role of large amounts of private money raised in political campaigns and the obligations that are or can appear to be associated with these contributions. This measure will establish a comprehensive program for candidate public financing in county elections.

Your Committee has amended this measure by:

- (1) Removing language that allowed candidates who win their elections to retain surplus public funds for the purposes of constituent communications;
- (2) Removing the one percent surcharge on fines imposed on persons convicted of criminal offenses that was to be deposited into the Hawaii election campaign fund; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1380, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1380, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1280 Judiciary on H.B. No. 1268

The purpose and intent of this measure is to amend various provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, and deleting obsolete or unnecessary provisions.

Your Committee received testimony in support of this measure from the Legislative Reference Bureau and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii.

Your Committee finds that this statutory revision measure is submitted by the Legislative Reference Bureau pursuant to chapter 23G, Hawaii Revised Statutes. All of the statutory amendments proposed by this measure are intended to be technical in nature to correct errors, omissions, or obsolete laws.

Your Committee has amended this measure by deleting amendments that:

- (1) Changed the term "youth" to "youths" in section 352D-4, Hawaii Revised Statutes; and
- (2) Repealed the term "your" in the notice required by section 480E-10(a), Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1268, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1268, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1281 Judiciary on H.B. No. 18

The purpose and intent of this measure is to repeal statutory limitations on the time periods in which a survivor of childhood sexual abuse may file a civil action.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, The Sex Abuse Treatment Center, Parents and Children Together, American Association of University Women of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Rainbow Family 808, Honolulu County Republican Party, and ten individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that survivors of childhood sexual abuse often do not divulge the truth about their experiences until they reach adulthood due to feelings of fear, disbelief, anger, helplessness, anxiety, and embarrassment. Your Committee further finds that although these feelings are not the survivor's fault, they can prevent survivors from considering legal action against their abusers until the statute of limitations for such claims has expired. Your Committee additionally finds that the direct consequences of childhood abuse should not block survivors of childhood sexual abuse from seeking civil redress in the courts.

Your Committee has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 18, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 18, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1282 Judiciary on H.B. No. 162

The purpose and intent of this measure is to:

- (1) Amend the allowable administrative fines for campaign finance violations committed by certain noncandidate committees making only independent expenditures; and
- (2) Prohibit the establishment of noncandidate committees that only make independent expenditures within fourteen days of an election.

Your Committee received testimony in support of this measure from the League of Women Voters Hawaii. Your Committee received comments on this measure from the Department of the Attorney General and Campaign Spending Commission.

Your Committee finds that campaign spending laws are often extremely difficult to enforce against large political action committees. Your Committee further finds that the structure and considerable financial resources of these organizations insulates them from effective enforcement in many situations. This measure increases the ability of the Campaign Spending Commission to assess effective penalties against large political action committees for violations of campaign spending laws. However, your Committee additionally finds that restricting the formation of noncandidate committees within fourteen days of an election may be subject to constitutional challenge as a violation of protected political speech under the First Amendment.

Accordingly, your Committee has amended this measure by:

- Removing the prohibition on the establishment of noncandidate committees that only make independent expenditures within fourteen days of an election;
- (2) Expanding language that allowed certain noncandidate committee expenditures to be deemed a violation against the individual directors, officers, or agents of a noncandidate committee that makes only independent expenditures to apply to all noncandidate committees regardless of whether they only make independent expenditures; and

(3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 162, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 162, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1283 Judiciary on H.B. No. 709

The purpose and intent of this measure is to propose an amendment to the Hawaii State Constitution to allow a recount of votes cast at an election to be conducted in a manner to be provided by law.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Honolulu County Republican Party. Common Cause Hawaii, and two individuals.

Your Committee finds that accurate counts of votes cast in elections are vital to the democratic process. Your Committee further finds that under existing law, the only way to initiate a recount in the State is via a complaint filed with the Hawaii Supreme Court. This measure proposes an amendment to the constitution that will explicitly grant the Legislature the authority to provide for recounts of votes cast in election by law.

Your Committee has amended this measure by clarifying that recounts of votes cast at an election may be conducted as provided by the Legislature.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 709, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 709, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1284 Judiciary on H.B. No. 766

The purpose and intent of this measure is to establish a task force within the Judiciary to review allowing service of notice and process by electronic mail in civil and administrative proceedings.

Your Committee received comments on this measure from the Hawai'i Civil Rights Commission.

Your Committee finds that as technology progresses and gains widespread adoption that the practice of law and its specific procedural requirements should also be open to change. Your Committee further finds that there may be many parties who would accept service by electronic mail if it were to be allowed. This measure will establish a task force to explore this potential change in court procedure for civil and administrative proceedings.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 766, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 766, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1285 Judiciary on H.B. No. 748

The purpose and intent of this measure is to:

- (1) Prohibit civil asset forfeiture unless the covered offense is a felony for which the property owner has been convicted, excluding the forfeiture proceedings for an animal pending criminal charges; and
- (2) Require the Attorney General to distribute one half of all forfeited property and sale proceeds thereof to the Hawaii law enforcement assisted diversion program, with the remaining half to be distributed to the state general fund.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Community Alliance on Prisons, The Drug Policy Forum of Hawaii, and American Civil Liberties Union of Hawaii. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawaii, Honolulu Police Department, and Maui Police Department. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that asset forfeiture can be an effective tool for law enforcement to disrupt criminal activity and protect the community. However, your Committee further finds that allowing asset forfeiture to proceed before conviction is contrary to the presumption of innocence in criminal cases and has the potential to unjustly violate the property rights of some persons. Your Committee additionally finds that the prohibition of forfeiture until after conviction should not be construed to limit the ability of law enforcement to seize property prior to conviction as provided by law.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that property may be seized prior to felony conviction as provided by law;
- (2) Providing for the reimbursement of any costs incurred by the Department of the Attorney General related to the seizure or storage of seized property before forfeited property and the sale proceeds thereof are distributed to the Hawaii law enforcement assisted diversion program and state general fund; and
- (3) Changing the effective date to March 1, 2020.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 748, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 748, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1286 Judiciary on H.B. No. 1433

The purpose and intent of this measure is to appropriate funds for two full-time equivalent positions, operating costs, and equipment to support the Attorney General's Hawaii Criminal Justice Data Center in administering the address confidentiality program.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawai'i State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Domestic Violence Action Center, American Association of University Women of Hawaii, The Sex Abuse Treatment Center, Hawaii State Coalition Against Domestic Violence, Parents and Children Together, and Hawaii Women's Coalition.

Your Committee finds that the address confidentiality program provides survivors of domestic abuse, sexual offense, or stalking with a substitute address to be used by state and local government agencies instead of their physical address. Your Committee further finds that the substitute address may be used whenever an address is required for public records, and that mail received at the substitute address may be forwarded to the survivor's actual address. Your Committee additionally finds that, although the Hawaii Criminal Justice Center is preparing to implement the address confidentiality program, no monies have been allocated to support it. This measure will appropriate monies necessary to implement the address confidentiality program.

Your Committee notes that the amount requested by the Hawaii Criminal Justice Data Center for two full-time equivalent positions, operating costs, and equipment to administer the address confidentiality program is \$147,500.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1433, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1287 Judiciary on H.B. No. 1261

The purpose and intent of this measure is to extend for two years the requirement that decisions in contested case hearings of the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, Hawaii Community Development Authority, and those involving conservation districts be appealed directly to the Supreme Court, with certain exemptions.

Your Committee received testimony in support of this measure from Maunakea Observatories and two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that public-private contracts for land-use and development frequently involve significant expenditures of resources and operate on restrictive timelines. Your Committee further finds that when challenges to such projects arise, the legal questions at issue are generally much more complex and ambiguous than the questions of fact. Your Committee additionally finds that an expedited judicial review process will allow such challenges to be resolved quickly while still ensuring that the issues present in those challenges receive proper and complete consideration.

Your Committee has amended this measure by:

- (1) Making permanent the requirement that decisions in certain contested case hearings be appealed directly to the Supreme Court; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1261, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1261, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1288 Judiciary on H.B. No. 437

The purpose and intent of this measure is to authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission, Hawai'i State Commission on the Status of Women, Department of Health, Department of the Prosecuting Attorney of the City and County of

Honolulu, The Sex Abuse Treatment Center, Hawaii State Coalition Against Domestic Violence, Parents and Children Together, Mental Health America of Hawai'i, Hawaii Women's Coalition, and two individuals.

Your Committee finds that violent crimes often have profound negative effects on persons other than the direct victim. Surviving family members of deceased victims frequently incur significant expense for mental health treatment on top of the trauma of losing a loved one. Similarly, child witnesses of domestic violence often require counseling and other treatment to help them understand and heal from the trauma of what they witnessed. Your Committee further finds that the purpose of crime victim compensation is to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. This measure will expand crime victim compensation to cover certain individuals other than the direct victims of certain violent crimes.

Your Committee has amended this measure by:

- (1) Making conforming amendments to new statutory language to better match existing statutory language relating to the crime of abuse of family or household member; and
- (2) Making it effective upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 437, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 437, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Gabbard). Noes, none. Excused, 1 (Fevella).

### SCRep. 1289 Judiciary on H.B. No. 1490

The purpose and intent of this measure is to amend the prohibition of contributions by state and county contractors under Hawaii's campaign finance laws to include officers or board members of a contractor, including contractors who provide goods or utilities.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, League of Women Voters of Hawaii, Common Cause Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Bankers Association.

Your Committee finds that Hawaii's campaign finance law already prohibits contributions to election campaigns by contractors, suppliers, and other entities under contract to state or county governmental agencies. Your Committee further finds that owners and executives of these entities can continue making contributions which are attributable to their roles in the companies which receive government funds. Your Committee additionally finds that this has the potential to erode public trust by creating the appearance of a "pay to play" arrangement in state politics. This measure will eliminate that appearance in the case of officers and executives of contractors.

Your Committee has amended this measure by:

- (1) Removing board members of contractors from the prohibition; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1490, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1490, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

## SCRep. 1290 Judiciary on H.B. No. 1350

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Campaign Spending Commission for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Campaign Spending Commission.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Campaign Spending Commission to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1350, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1350, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1291 Judiciary on H.B. No. 1353

The purpose and intent of this measure is to appropriate funds for the operating budget for the Office of the Public Defender for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Office of the Public Defender.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Office of the Public Defender to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee notes that the budget request from the Office of the Public Defender includes \$97,832 for a dedicated case management software system, and encourages discussion regarding the feasibility and practicability of adopting a single unified case management software system for all state agencies as this measure proceeds through the legislative process.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1353, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1353, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1292 Judiciary on H.B. No. 1279

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Campaign Spending Commission and Office of Elections for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and Office of Elections.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Campaign Spending Commission and Office of Elections to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1279, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1293 Judiciary on H.B. No. 1352

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of the Attorney General for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, and The Sex Abuse Treatment Center.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of the Attorney General to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1352, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1294 (Joint) Education and Judiciary on H.B. No. 1346

The purpose and intent of this measure is to prohibit the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under limited circumstances.

Your Committees received testimony in support of this measure from the Department of Education, Executive Office on Early Learning, Early Learning Board, Hawaii State Teachers Association, Hawaii Children's Action Network, Rainbow Family 808, Early Childhood Action Strategy, and one individual.

Your Committees find that according to the National Association for the Education of Young Children, as many as 8,710 three- and four-year-olds may be expelled from their state-funded preschool or prekindergarten classroom every year, which is at a rate more than three times that of their peers in kindergarten through grade twelve. This is particularly troubling given such suspensions and expulsions occur during a critical period in a child's development. This measure ensures that the State's youngest children have access to appropriate educational opportunities that will set them up to reach their highest potential and prevents many of the adverse educational and life outcomes that result from suspension and expulsion early in a child's life.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1346, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1346, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Dela Cruz).

Judiciary: Ayes, 3; Ayes with Reservations (Kim). Noes, none. Excused, 2 (Gabbard, Wakai).

### SCRep. 1295 Education on H.B. No. 615

The purpose and intent of this measure is to amend the Board of Education membership by inviting the exclusive representative for Bargaining Unit (5) to appoint a nonvoting public school teacher representative to the Board, subject to certain conditions.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and Democratic Party of Hawai'i Education Caucus. Your Committee received comments on this measure from the Hawaii State Ethics Commission.

Your Committee finds that the Board of Education (Board), consisting of nine members and none of whom are required to be public school teachers, is given the power to formulate statewide educational policy. As such, the appointment of a current public school teacher, as a nonvoting member, to the Board will provide first-hand experience and expertise on the educational climate in Hawaii's public schools and explain the resources teachers need to help Hawaii's students. Additionally, this measure provides the Board with insight into current and proposed educational practices and policies and the effects of those practices and policies on teachers, students, and the community.

Your Committee has amended this measure by reinstating the language that appears in H.B. No. 615, H.D. 2 (Regular Session 2019), which clarifies the applicability of the ethics code to the nonvoting public school teacher representative.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 615, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 615, H.D. 3, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

### SCRep. 1296 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on H.B. No. 762

The purpose and intent of this measure is to prohibit a full-service restaurant from providing a single-use plastic straw to a consumer unless requested by the consumer.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council; Animal Rights Hawai'i; Hawaii Food Industry Association; Retail Merchants of Hawaii; Hawaii Restaurant Association; ABC Stores; KYD, Inc. dba: K. Yamada Distributors; Dolphin Quest; 350Hawaii.org; Surfrider Foundation; Sierra Club of Hawai'i; and thirty-nine individuals. Your Committees received testimony in opposition to this measure from eight individuals. Your Committees received comments on this measure from the Department of Health and Office of Hawaiian Affairs.

Your Committees find that single-use plastics, such as plastic straws, have a well-established impact on native species of cultural significance, including endangered and subsistence resource species. In Hawaiian waters, the ingestion of discarded plastic debris by native seabirds and endangered honu is a well-documented phenomenon that may have highly injurious or even fatal consequences. Your Committees further find that this measure would reduce the use of single-use plastic straws in full-service restaurants, and thereby reduce the amount of plastic waste generated by restaurants and help protect Hawaiian waters.

Your Committees have amended this measure by:

- (1) Stating that any action taken to impose or collect fines pursuant to this measure is an administrative action pursuant to the Hawaii Administrative Procedure Act, rather than a civil action, to clarify that the fines procedure does not involve the judicial courts system; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 762, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 762, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 1297 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on H.B. No. 462

The purpose and intent of this measure is to exempt residence or occupancy in a structure or on property directly controlled, owned, or managed by the Department of Agriculture from the Residential Landlord-Tenant Code.

Your Committees received testimony in support of this measure from the Department of Agriculture.

Your Committees find that this measure clarifies that farm dwellings are not subject to eviction and related rules under the Landlord-Tenant Code. Your Committees further find that exempting residence or occupancy in a structure or on property directly controlled, owned, or managed by the Department of Agriculture from the Residential Landlord-Tenant Code provides greater consistency in the management of residential uses on public lands and for public purposes.

Your Committees have amended this measure by making it effective on July 1, 2019.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 462, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 462, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 1298 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on H.B. No. 297

The purpose and intent of this measure is to investigate potential innovative vector control programs by:

- (1) Directing the Department of Agriculture to review the *Aedes aegypti* mosquito with *Wolbachia* bacteria and render a determination for placement of the mosquito on the appropriate animal import list; and
- (2) Directing the Departments of Agriculture and Health to collaborate on a report to the Legislature that includes recommendations on the importation and release of the Aedes aegypti mosquito with Wolbachia bacteria or alternative vector control programs.

Your Committees received testimony in support of this measure from the Department of Health, Department of Land and Natural Resources, and four individuals. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that the *Aedes aegypti* mosquito is the primary mosquito species that is responsible for transmitting human viruses, including Zika and dengue. Your Committees also find that the release of *Wolbachia*-carrying *Aedes aegypti* mosquitoes, and subsequent interbreeding with wild mosquitoes, reduce the ability of cumulative mosquito populations to serve as disease vectors without suppressing mosquito populations and altering the ecosystem balance. Some research has also shown that *Wolbachia* is safe for humans, animals, and the environment.

Your Committees further find that protecting the residents of and visitors to Hawaii from mosquito-borne illnesses such as Zika and dengue viruses warrants further inquiry into the feasibility and safety of importing and releasing mosquitoes with *Wolbachia* bacteria, including *Aedes aegypti* mosquitoes originating from Hawaii stock that could be imported for landscape scale mosquito control.

Your Committees have amended this measure by:

- (1) Inserting language throughout to clarify that the review shall include a review of the importation of mosquitoes originating from Hawaii stock that could be imported for landscape scale mosquito control;
- Adding the Department of Land and Natural Resources as a participating agency to collaborate on the report to the Legislature; and
- (3) Making it effective upon approval.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 297, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 297, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 1299 (Joint) Technology and Energy, Economic Development, and Tourism on H.B. No. 821

The purpose and intent of this measure is to:

- (1) Authorize the Department of Business, Economic Development, and Tourism to enter into a partnership with a partner in the private sector to plan, build, and manage key strategic broadband infrastructure and attract cloud based companies to Hawaii; develop internal policies and procedures for the procurement of goods, services, and construction; and identify a suitable location for a cable landing station in Kakaako, on the island of Oahu;
- (2) Exempt construction of the cable landing station from certain state and county approval and permitting requirements for a period of five years to help expedite the process; and
- (3) Make an appropriation for the establishment of an open access, carrier-neutral cable landing station in support of the Hawaii Broadband Initiative.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs Cable Television Division; Department of Business, Economic Development, and Tourism; Department of Health; Hawaii Technology Development Corporation; University of Hawaii System; Hawaiian Electric Companies; Economic Development Alliance of Hawaii; Ocean Networks; RTI; Oahu Economic Development Board; and two individuals. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs. Your Committees received comments on this measure from the State Procurement Office.

Your Committees find that establishing an open access, carrier neutral cable landing station in Hawaii would expand Hawaii's connectivity around the world, establish Hawaii as a key player in the global broadband market, and address the need for better broadband connectivity. Your Committees further find that the timing for an open access, carrier neutral cable landing is critical due to various federal and private contracts that are available to Hawaii.

Your Committees have amended this measure by deleting its contents and inserting language from S.B. No. 218, S.D. 1 (Regular Session 2019), which:

- (1) Requires the Hawaii Technology Development Corporation to establish a public-private partnership with a private organization to plan, build, and manage key strategic broadband infrastructure and attract cloud based companies to Hawaii; and
- (2) Appropriates funds to the Hawaii Technology Development Corporation to establish an open access, carrier neutral cable landing station and for the Hawaii Broadband Initiative.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 821, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 821, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 4. Noes, none. Excused, 1 (English).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

#### SCRep. 1300 Government Operations on H.B. No. 1188

The purpose and intent of this measure is to appropriate funds for fiscal year 2019-2020 to the State Procurement Office to advance the small business assistance initiative.

Your Committee received testimony in support of this measure from the State Procurement Office, Association of Hawaiian Civic Clubs, and Prince Kūhiō Hawaiian Civic Club.

Your Committee finds that small businesses are the lifeblood of the State's economy. Act 42, Session Laws of Hawaii 2017, established within the State Procurement Office a three-year small business initiative to facilitate the collection and development of relevant data and convene stakeholders for purposes of developing an effective small business program. The State Procurement Office was appropriated \$200,000 in 2018 for only the first year of the three-year program. Funding for year two of the program is critical to the success of the small business assistance program because the development of effective rules will set the groundwork for a small business set-aside program and basis for training, workshop campaigns, and an implementation program. This measure will appropriate funds for fiscal year 2019-2020, which will allow the State Procurement Office to continue working toward ensuring that small businesses are able to effectively participate in contracting opportunities, thereby promoting the growth and development of small businesses in the State.

Your Committee has amended this measure by changing the effective date to January 1, 2061, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1188, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1188, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1301 Government Operations on H.B. No. 618

The purpose and intent of this measure is to:

- (1) Establish the repair and maintenance special fund for the repair and maintenance of state department facilities;
- Prohibit fund monies from funding employee salaries and costs or being considered as part of the employer's ability to pay those costs; and
- (3) Appropriate funds.

Your Committee received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committee finds that various state department facilities are in need of repair and maintenance. This measure establishes and appropriates funds into a special fund for the repair and maintenance of state department facilities, which will ultimately result in the improved condition of state facilities.

Your Committee has amended this measure by inserting an effective date of July 1, 2061, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 618, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 618, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1302 Commerce, Consumer Protection, and Health on H.B. No. 290

The purpose and intent of this measure is to amend Hawaii's Uniform Controlled Substances Act to add a new cannabidiol drug to Schedule V in conformity with federal law and to create an exception for the drug under tetrahydrocannabinols in Schedule I.

Your Committee received testimony in support of this measure from the Department of Public Safety, Honolulu Police Department, Greenwich Biosciences, and Epilepsy Foundation Hawaii. Your Committee received comments on this measure from Akamai Cannabis Clinic and one individual.

Your Committee finds that the federal controlled substances law was updated to include a Schedule V controlled substance used to treat certain childhood-onset epilepsy patients who were not previously helped by other epilepsy medicines. This measure updates the Hawaii Uniform Controlled Substances Act to reflect those recent changes to federal law, which will improve the treatment options for certain epilepsy patients in Hawaii.

Your Committee has amended this measure by:

- Removing language that would have created a new exception for this drug under Schedule I, as this exception was inconsistent
  with federal law;
- (2) Authorizing qualifying patients or qualifying out-of-state patients to transport medical cannabis between islands for their personal medical use; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 290, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 290, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Thielen, Fevella).

#### SCRep. 1303 Commerce, Consumer Protection, and Health on H.B. No. 330

The purpose and intent of this measure is to appropriate funds to support youth suicide early intervention, prevention, and education initiatives in Kauai and Hawaii counties.

Your Committee received testimony in support of this measure from the Department of Education, Department of Health, Office of the Mayor of the County of Hawai'i, Prevent Suicide Maui County Task Force, Hawaii State Teachers Association, Democratic Party of Hawai'i, Honolulu County Republican Party, Mental Health America of Hawai'i, Hawai'i Pacific Health, Hawaii Family Forum, Parents and Children Together, and six individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that suicide is the leading cause of injury related deaths for 15 to 24 year olds in Hawaii. For every child who dies from suicide, an estimated 238 more are hospitalized for suicide related injuries. However, your Committee further finds that youth suicide may be preventable when communities have sufficient resources in place to support early intervention, prevention, and education initiatives. Youth suicide rates are significantly higher on neighbor islands compared to Oahu and therefore your Committee believes funding youth suicide early intervention, prevention, and education programs for all three neighbor island counties will target areas with the greatest need.

Your Committee has amended this measure by:

- Adding an appropriation of an unspecified amount to support youth suicide early intervention, prevention, and education initiatives in Maui County; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 330, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 330, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

# SCRep. 1304 Commerce, Consumer Protection, and Health on H.B. No. 465

The purpose and intent of this measure is to appropriate funds for the kupuna care program and to require the Executive Office on Aging to adopt rules to administer the kupuna care program by January 1, 2022.

Your Committee received testimony in support of this measure from the Executive Office on Aging; Policy Advisory Board for Elder Affairs; Maui County Office on Aging; Healthcare Association of Hawaii; United Public Workers, AFSCME, Local 646, AFL-CIO; International Longshore and Warehouse Union Local 142; Zonta Club of Hilo; Chinatown Gateway Plaza Tenant Association; Hawaii Chapter of the American Physical Therapy Association; Catholic Charities Hawaii; Lanakila Pacific; AARP Hawaii; Hawaii Women's Coalition; and five individuals.

Your Committee finds that as Hawaii's aging population continues to grow, the need for long term services and supports is also increasing. The kupuna care program assists vulnerable adults age 60 and older to age in place by providing a continuum of home and community-based services, such as homemakers, meal delivery, transportation, and personal care. By providing these services, the kupuna care program empowers elderly residents to continue leading independent, meaningful, and dignified lives within their communities.

Your Committee further finds that in fiscal year 2018, kupuna care served 5,643 older adults statewide at an average cost of \$1,524 per person, significantly less than more restrictive types of care. Securing consistent funding for the kupuna care program is critical, as keeping seniors healthy and at home is the most cost-effective way to address the rapidly increasing population of adults age 60 and older in the State.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$9,000,000;
- (2) Removing the requirement for the Executive Office on Aging to adopt rules to administer the kupuna care program by January 1, 2022;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 465, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 465, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

# SCRep. 1305 Commerce, Consumer Protection, and Health on H.B. No. 466

The purpose and intent of this measure is to appropriate funds for the Aging and Disability Resource Center.

Your Committee received testimony in support of this measure from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, State Council on Developmental Disabilities, Maui County Office on Aging, Zonta Club of Hilo, International Longshore and Warehouse Union Local 142, AARP Hawaii, and three individuals.

Your Committee finds the Aging and Disability Resource Center streamlines access to long-term supports and services for older adults, individuals with disabilities, and family caregivers. In fiscal year 2017 alone, the Aging and Disability Resource Center assisted over 11,000 older adults navigate the service system to access federal and state publicly-funded supports and services. By appropriating sufficient funds for the effective and continued operation of the Aging and Disability Resource Center, this measure helps sustain the capacity for the Executive Office on Aging and the county Area Agencies on Aging to operate as a statewide, fully functional Aging and Disability Resource Center.

Your Committee has amended this measure by inserting an appropriation amount of \$3,100,000 for each year of the 2019-2021 fiscal biennium.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 466, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 466, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

# SCRep. 1306 Commerce, Consumer Protection, and Health on H.B. No. 702

The purpose and intent of this measure is to prohibit the sale or offering for sale of location data that is recorded or collected by a satellite navigation technology-equipped device without explicit consent of the individual who is the primary user of the device.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawai'i.

Your Committee finds that Hawaii has a strong history of protecting an individual's right to privacy. Tracking and recording location data reveals many things about a person's life and constitutes a significant invasion of privacy. A recent *New York Times* article reported that, for a single specific user, an application on a device gathered and recorded location information over 8,600 times over a four-month period, or on average, once every twenty-one minutes. User agreements are often part of a cell phone contract but are rarely read by consumers and are insufficient to secure the level of explicit consumer permission required to share or sell personal location data. This measure therefore prohibits the sale of location data without the explicit consent of the individual who is the primary user of the device in order to promote consumer protection.

Your Committee notes the number of questions that were raised before your Committee during the public hearing on this measure concerning general enforceability and the applicability of this measure to those companies that do not have a physical presence in Hawaii. Your Committee finds that these issues merit further consideration and examination by your Committee on Judiciary, should it choose to hear this measure.

Your Committee has amended this measure by:

(1) Inserting an effective date of July 1, 2019; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 702, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 702, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1307 Commerce, Consumer Protection, and Health on H.B. No. 887

The purpose and intent of this measure is to:

- (1) Include certain spirits-based beverages in the definition of "cooler beverage"; and
- (2) Repeal the definition of "draft beer" to apply the same tax rate to all beer.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild, REAL a gastropub/Bent Tail Brewing Company, Beer Lab Hawaii, Honolulu BeerWorks, Maui Brewing Co., Kona Brewing Co., Waikiki Brewing Company, and Lanikai Brewing Company. Your Committee received testimony in opposition to this measure from the Hawaii Alcohol Policy Alliance and five individuals. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that a cooler beverage is a mixed beverage containing primarily juice, water, or soda, with only a portion of liquor. There are several companies from the mainland exporting small volumes of cocktails and cooler beverages in cans or bottles to Hawaii. More individuals are showing an interest in developing distillery businesses if the economics are favorable, but Hawaii's existing tax laws create a significant disadvantage. This measure creates the category of "cooler beverage" for spirits, resulting in a tax on only the amount of the distilled spirit in the beverage. This measure also encourages local production and manufacturing and creates a new category of products for consumers, resulting in increased tax revenue.

Your Committee further finds that Hawaii's existing liquor tax law has two separate rates for beer, which is the only beverage with this disparity. The current definition of "draft beer" means beer in an individual container of seven gallons or more, referring to the size of the container from which the beer is dispensed. Draft beer is currently taxed at fifty-four cents per gallon, while beer other than draft beer is taxed at ninety-three cents per gallon. Some breweries, especially smaller craft breweries and those just starting their businesses, typically serve draft beer from two- to five-gallon kegs, meaning they are taxed at the higher rate. Hawaii is ranked in the prive in the United States for beer tax rates. Because of Hawaii's higher costs for shipping, raw materials, and equipment acquisition, local businesses are disadvantaged and struggle to compete with mainland companies. This measure repeals the definition of "draft beer" and creates a uniform tax rate for all beer at fifty-four cents per gallon.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 887, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 887, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

### SCRep. 1308 Commerce, Consumer Protection, and Health on H.B. No. 888

The purpose and intent of this measure is to appropriate funds to support the operations of the Maui Health System.

Your Committee received testimony in support of this measure from the Maui Health System and three individuals.

Your Committee finds that 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, including Maui Memorial Medical Center, Kula Hospital, and Lanai Community Hospital. Each year, the Maui Health System averages 8,529 inpatient admissions and 53,647 emergency room visits, and provides skilled nursing and long-term care for up to 124 patients. In addition, the Maui Health System is the only health care provider on the neighbor islands that provides cardiac surgery, interventional cardiology, interventional neurosurgery, and neurosurgery.

Your Committee further finds that the Maui Health System, which is an affiliate of Kaiser Permanente, took over the Maui Regional System facilities from the Hawaii Health Systems Corporation following the passage of Act 103, Session Laws of Hawaii 2015. Whereas in 2014, the year before the public-private partnership went into effect, the operating costs of the Maui Regional System were \$38,000,000, the System's request for fiscal years 2020 and 2021 are \$26,000,000 and \$23,000,000, respectively. Your Committee notes that the Maui Health System is an example of a successful decoupling from the state system that has saved the State money while improving quality of care for Maui residents.

Your Committee has amended this measure by inserting appropriation amounts of \$26,000,000 for fiscal year 2019-2020 and \$23,000,000 for fiscal year 2020-2021.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 888, H.D. 1, as amended herein, and

recommends that it pass Second Reading in the form attached hereto as H.B. No. 888, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Thielen, Fevella).

#### SCRep. 1309 Commerce, Consumer Protection, and Health on H.B. No. 931

The purpose and intent of this measure is to:

- Prohibit landlords from recovering possession of dwelling units from tenants if habitability of premises is significantly impaired;
- (2) Specify a tenant's liability for rent if habitability of premises is significantly impaired; and
- (3) Clarify remedies for retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii State Commission on the Status of Women, Hawaiian Community Assets, Lawyers for Equal Justice, Parents and Children Together, PHOCUSED, Chinatown Gateway Plaza Tenant Association, Hawaii Regional Council of Carpenters, Pacific Resource Partnership, and seven individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the warranty of habitability is a principle based on contract law, wherein the tenant is responsible for paying rent, while the landlord guarantees in return that the premises are habitable and in compliance with health, safety, and building codes. The warranty of habitability has been recognized by the Hawaii Supreme Court but has not been codified in statute, meaning it is largely unenforced.

Existing state law allows a tenant to deduct up to \$500 from the following month's rent for the cost of repairs if the landlord does not respond to the tenant's written repair request within twelve business days. However, the cost to repair conditions that materially affect health and safety can often exceed \$500. Your Committee further finds that Hawaii has one of the highest percentages of renter households in the nation, at forty-two percent. Renters in Hawaii already face one of the least affordable rental markets in the country and many do not have disposable funds to make necessary repairs when their landlords fail to do so, or to hire an attorney, thereby resulting in sub-standard living conditions. The end result is many tenants are served with retaliatory eviction notices from landlords who would rather not go through the trouble of repairing or bringing their rental units into compliance with health and safety regulations. Given the difficulty of finding adequate rental housing in the current market, many tenants who are subjected to eviction have few alternatives and may find themselves at risk of homelessness.

Your Committee notes that data from a recent Lawyers for Equal Justice report shows only four percent of tenants had legal representation during an eviction action, while seventy percent of landlords were represented. This discrepancy resulted in landlords being awarded possession in ninety-seven percent of cases.

Accordingly, this measure codifies the Hawaii Supreme Court's decision establishing a warranty of habitability and sets minimum damages for tenants who have suffered retaliatory evictions, which will incentivize landlords to keep their rental unit in a safe and sanitary condition.

Your Committee has amended this measure by:

- (1) Clarifying that the tenant must continue to pay rent equal to the fair rental value of the premises or the agreed upon rent, whichever is less, to avoid an action or proceeding to recover possession of the dwelling unit;
- (2) Removing language that would have entitled a tenant to a remedy of free occupancy for two months, in the case of a retaliatory eviction, as this provision raised certain constitutional concerns;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 931, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 931, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Keohokalole). Noes, none. Excused, 1 (Fevella).

# SCRep. 1310 Commerce, Consumer Protection, and Health on H.B. No. 944

The purpose and intent of this measure is to:

- (1) Clarify that a public benefit corporation may not purchase its memberships;
- (2) Clarify that a person who does not have authority to vote as a member of the board is not a director;
- (3) Clarify that a corporation with members may designate its directors;
- (4) Authorize a board of directors to take action without a board meeting through electronic means;
- (5) Increase the length of time that the Attorney General has to review proposed sale of substantially all of the assets of public benefit corporations other than in the regular course of its activities; and

(6) Make other housekeeping amendments.

Your Committee received testimony in support of this measure from the Department of the Attorney General, University of Hawai'i Foundation, and Hawai'i Alliance of Nonprofit Organizations.

Your Committee finds that public benefit corporations are normally prohibited from making any distributions other than for charitable purposes under existing law. Unlike shareholders of a corporation or partners of a partnership, members of a public benefit corporation do not have an economic ownership interest in the public benefit corporation. Therefore, a public benefit corporation's use of its charitable assets to purchase its memberships would amount to a distribution to its members and would evade the rules against distributing charitable assets for non-charitable purposes. This measure explicitly prohibits a public benefit corporation from purchasing its memberships, prevents charitable assets from being used for non-charitable purposes, and conforms the Hawaii Nonprofit Corporations Act to the Revised Model Nonprofit Corporation Act of 1987.

Your Committee additionally finds that existing law is unclear as to whether ex-officio directors, or individuals named as directors based on their position or status, who do not have any authority to vote as members of the board, are in fact directors of a nonprofit corporation. Non-voting directors would be unable to perform their fiduciary duties as directors if they are unable to vote to take any action. This measure further clarifies that the term "directors", as used in the Hawaii Nonprofit Corporations Act, only includes those who have authority to vote as a member of the board. Lastly, this measure enables directors of nonprofit corporations to use electronic or digital signatures as a form of written consent and makes additional housekeeping amendments for consistency with existing model acts and state law.

Your Committee has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 944, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 944, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 1311 Commerce, Consumer Protection, and Health on H.B. No. 988

The purpose and intent of this measure is to implement Section 106 of the federal Economic Growth, Regulatory Relief, and Consumer Protection Act (Section 106), which provides a one hundred twenty-day temporary transitional authority to originate loans in this State for loan originators moving from a depository institution to a non-depository institution and state-licensed loan originators moving interstate.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that when loan originators change jobs within the profession, they encounter employment barriers due to state licensing requirements. Nationally, approximately seventy-five percent of the mortgage loan originators who apply for a license would qualify for transitional authority because they are either employed by a depository institution or are licensed in another state. This measure integrates Section 106 into existing law relating to mortgage loan originators by temporarily authorizing qualified mortgage loan originators to originate mortgage loans in the State for one hundred twenty days. During this time, a mortgage loan originator will have the opportunity to complete state requirements for licensure, including pre-education or continuing education, financial responsibility review, and criminal background review, which will ease the employment process for employers without the impact of delays associated with the state licensing process. A mortgage loan originator company also remains responsible for any origination errors caused by a mortgage loan originator with transitional authority, which ensures consumer protection during this transitional period.

Your Committee has amended this measure by:

- (1) Inserting an effective date of November 24, 2019, to conform with the date on which Section 106 will take effect; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 988, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 988, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 1312 Commerce, Consumer Protection, and Health on H.B. No. 945

The purpose and intent of this measure is to clarify Hawaii's charitable solicitation laws by:

- (1) Replacing the term "gross revenue" with "total revenue";
- (2) Defining the term "total revenue" for purposes of calculating the annual filing fee;
- (3) Clarifying when professional solicitors must file financial reports;

- (4) Clarifying when commercial co-venturers must provide a charitable organization with an accounting and the date by which a benefit must be conferred;
- (5) Clarifying that charitable organizations are required to submit financial audits only when otherwise required to do so by other external entities; and
- (6) Making other housekeeping amendments.

Your Committee received testimony in support of this measure from the Department of the Attorney General, University of Hawai'i Foundation, and Hawai'i Alliance of Nonprofit Organizations.

Your Committee finds that this measure clarifies terms for consistency with Internal Revenue Service forms, provides oversight of charitable organizations and fundraising activities, clarifies regulatory procedures for the non-profit sector, and provides additional resources to the public. Your Committee additionally finds that professional audits can be very expensive, especially for organizations that just meet the current requirement for having contributions in excess of \$500,000 in a year. This measure removes this burdensome requirement, unless the charity is already required to have an audit due to an externally imposed requirement.

Your Committee has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 945, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 945, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 1313 Commerce, Consumer Protection, and Health on H.B. No. 989

The purpose and intent of this measure is to authorize the Commissioner of Financial Institutions to:

- Modify requirements and make new requirements to implement changes and improvements to the Nationwide Multistate Licensing System and Registry (NMLS);
- (2) Issue cease and desist orders against licensees and unlicensed persons; and
- (3) Enter into consent orders.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that NMLS is a web-based nationwide licensing system that streamlines workflows and communications for applicants, licensees, and the Division of Financial Institutions. Currently, the Division of Financial Institutions cannot accept electronic bonds uploaded by an insurance carrier through NMLS due to the requirements in existing law that bond riders or endorsements must be provided directly to the Commissioner of Financial Institutions (Commissioner) and surety bonds must be filed with the Commissioner. This measure gives the Commissioner authority to expand the Division's uses of NMLS in accordance with the current practice of other states and better manage the licensure of mortgage servicers.

Your Committee further finds that, currently, the Commissioner may only issue proposed cease and desist orders, which have no immediate effect in the event that a licensee's violation is likely to cause immediate and irreparable harm to a consumer. Moreover, because the Commissioner also has no authority to enter into consent orders, administrative proceedings can last a number of years, wasting time and resources. This measure authorizes the Commissioner to enter into consent orders and issue cease and desist orders for violations for licensees and unlicensed persons, which will enable the Commissioner to quickly minimize consumer harm, expedite decisions, and save resources.

Your Committee has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 989, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 989, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 1314 Commerce, Consumer Protection, and Health on H.B. No. 1479

The purpose and intent of this measure is to restrict sales of residential condominiums developed with state investment within a transit-oriented development area or within a one-half-mile radius of a public transit station to only prospective owner-occupants for sixty days after the initial date of sale for the project.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that unified state investment in infrastructure is necessary to facilitate compact, mixed-use, and accessible development near transit stations and public transportation nodes. Strategic investment can facilitate the development of public and private lands, revitalize neighborhoods, and increase affordable housing inventory, among other public benefits. Your Committee further finds that promoting homeownership is in the public interest and it is appropriate to allow prospective owner-occupants the first opportunity to purchase condominium units in transit-oriented development areas. This measure therefore requires that initial sales of condominiums developed using state resources within a transit-oriented development area or within a one-half-mile radius of a public transit station be limited to owner-occupants for a sixty-day period.

Your Committee has amended this measure by:

- (1) Clarifying that for certain properties, one hundred percent of the residential units being marketed shall be offered only to prospective owner-occupants for at least a sixty-day period following the initial date of sale of the project;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1479, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1479, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1315 Human Services on H.B. No. 747

The purpose and intent of this measure is to:

- (1) Establish employment first as a state policy with respect to disabled persons;
- (2) Require state and county agencies to implement the employment first policy in hiring and all programs and services administered or funded by the State or counties; and
- (3) Apply employment first principles to Medicaid home- and community-based waiver programs.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities; State Rehabilitation Council; Hawaii Disability Rights Center; Democratic Party of Hawaii, Oahu County Committee, Affirmative Action Committee; Democratic Party of Hawaii Labor Caucus; and two individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that employment is one key to full civic engagement for individuals with disabilities. In addition to improving economic well-being, employment increases self-worth, builds relationships, and provides access to community resources. Employment establishes community connections that allow people to become contributing and valued members of their community. Your Committee further finds that employment first is a policy based upon the idea that working age persons with disabilities can work in jobs fully integrated in the community. Integrated employment includes typical workplace settings that offer regular opportunities for meaningful interaction with coworkers, customers, and the community.

Your Committee also finds that according to gubernatorial proclamations, Hawaii has long been an employment first state. Without implementing legislation, however, these proclamations are merely aspirational. This measure will establish employment first with respect to disabled persons in Hawaii, which will ensure that individuals with disabilities have an opportunity to pursue competitive, integrated employment, thereby adding to the diversity of the workforce and general enrichment of communities.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 747, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

### SCRep. 1316 Transportation on H.B. No. 304

The purpose and intent of this measure is to:

- (1) Require the Department of Transportation, or an appropriate county agency, to post depth gauge signs on any portion of a public highway within a special flood hazard zone; and
- (2) Appropriate funds to post depth gauge signs on public highways within a special flood hazard zone.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that depth gauge signs alert drivers that the area is a potential flood zone. Your Committee believes that given the recent events of severe flooding throughout the State, particularly in the County of Kauai, depth gauge signs will act as a supplemental device to notify the public to exert caution when driving in potentially dangerous flood hazard areas. This measure will increase public safety by explicitly showing where flood hazard areas are located.

Your Committee notes the testimony of the Department of Transportation that each intersection requiring depth gauge signs would require four depth gauge signs at a cost of \$1,000 for each sign, or \$4,000 for each intersection.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 304, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

#### SCRep. 1317 Transportation on H.B. No. 309

The purpose and intent of this measure is to appropriate funds to extend the zipper lane on the H-1 Freeway to Kapolei in the vicinity of the Kualakai Parkway on and off ramps.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu County Republican Party, and three individuals.

Your Committee finds that traffic congestion in the State continues to be a growing concern for residents. Residents in the State are spending more time in their vehicles commuting than ever before, with the average driver spending about thirty-seven hours a year sitting in traffic. One area that experiences high traffic congestion is the H-1 freeway, in the eastbound direction for drivers traveling from the Kapolei region on Oahu. The State introduced the zipper lane in an attempt to alleviate traffic congestion on the West side of Oahu, however your Committee finds that the zipper lane needs to be extended to be effective in addressing the significant increase in traffic from the West side, specifically traffic coming from Kapolei.

Your Committee notes that the Department of Transportation requested an appropriation of \$65,000,000 for the design and construction of a zipper lane extension.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 309, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 1318 Transportation on H.B. No. 327

The purpose and intent of this measure is to require the Department of Transportation to develop and implement a program that allows single occupant vehicles to use the zipper lane for a fee.

Your Committee received testimony in support of this measure from the Department of Transportation and Hawaii Transportation Association. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that traffic congestion is a pressing issue for the State as more residents are spending more time commuting than with their loved ones. To address traffic congestion, the State implemented a high occupancy vehicle lane, more commonly known as the zipper lane, which created an extra lane for residents on Oahu. Your Committee further finds that in August of 2016, the Department of Transportation expanded the zipper lane to accommodate two lanes. This increased capacity of the zipper lane by twenty percent, or an additional 1,700 vehicles per hour. Your Committee believes that opening up the zipper lane to single use occupants for a fee will alleviate traffic congestion and provide the state highway fund with much needed revenue.

Your Committee notes that according to testimony received by the Department of Transportation, because the zipper lane utilizes federal funding, the State is required to comply with the provisions in title 23 of the United States Code section 166, which only allows single occupant vehicles to use a high occupancy vehicle facility for a fee, subject to policies, procedures, and rules adopted by the Department of Transportation to carry out the program.

Your Committee has amended this measure by:

- Changing the reference to "a zipper lane on the island of Oahu" to "a zipper lane in a county with a population equal to or greater than 500,000"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the Department of Transportation requested an appropriation of \$30,000,000 for the design, construction, operation, and maintenance of a program or system that allows single occupant vehicles to access a high occupancy vehicle lane.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 327, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 327, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 1319 Transportation on H.B. No. 754

The purpose and intent of this measure is to establish a framework for the Department of Transportation and the counties to regulate electric foot scooters and prohibit the use of electric foot scooters to individuals under the age of 18.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of Transportation Services; City and County of Honolulu Office of Climate Change, Sustainability and Resiliency; Lime; Hawaii Bicycling League; and two individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the types of motorized vehicles that are being introduced in the market are very innovative and constantly being updated based on technology and ease of widespread adoption. In particular, electric foot scooters are experiencing an increase in popularity as an environmentally friendly alternative to driving. Your Committee believes that as new electric motorized vehicles, such as electric foot scooters, are introduced into the State, there should exist fair and just regulation of the vehicles to ensure the safety and viability for all.

Your Committee notes the concern regarding safe places of operation for electric foot scooters, such as roadways or in bike lanes, may cause safety issues for other users of the roadways and bike lanes. Your Committee encourages further discussion as to where electric foot scooters can safely be operated in the State to ensure the safety of all.

Your Committee has amended this measure by:

- (1) Changing the age prohibition to operate an electric foot scooter from eighteen years of age to fifteen years of age;
- (2) Requiring that in lieu of red rear reflectors, all electric foot scooters be equipped with a lighted lamp visible from the rear of the electric foot scooter; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 754, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 754, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 1320 Transportation on H.B. No. 756

The purpose and intent of this measure is to:

- (1) Require the Department of Transportation, upon consulting with the counties, to adopt rules prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the Statewide Traffic Code; and
- (2) Specify the factors the Department of Transportation and the counties must take into account when setting maximum speed limits on a road.

Your Committee received testimony in support of this measure from the Department of Transportation and Hawaii Strategic Highway Safety Plan.

Your Committee finds that uniform standards and specifications for official traffic control devices are important to provide consistency throughout the State and to ensure the safety of Hawaii's residents and visitors. Your Committee further finds that Hawaii is ranked the fourth worst state in the nation for speed-related driving fatalities and over the past 10 years, 46 percent of traffic fatalities in the State have been speed-related. Your Committee believes that more needs to be done to reduce speed-related fatalities in the State. This measure will improve traffic conditions throughout the State by providing clarity in traffic control devices and address the increasing number of speed-related fatalities in the State.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 756, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 1321 Transportation on H.B. No. 812

The purpose and intent of this measure is to:

- (1) Include low-speed electric bicycles in the definition of bicycle;
- (2) Prohibit anyone under the age of eighteen from operating a low-speed electric bicycle; and
- (3) Require low-speed electric bicycles to be registered and pay a \$30 registration fee.

Your Committee received testimony in support of this measure from the Department of Transportation, County of Kaua'i Planning Department; and two individuals.

Your Committee finds that there is no existing law that regulates low-speed electric bicycles. Electric bicycles are becoming increasingly popular as an environmentally friendly alternative means of transportation in the State. Including low-speed electric bicycles in the definition of a "bicycle" will allow the State to better regulate this popular means of transportation and bring the State into conformance with the federal definition of a bicycle.

Your Committee further finds that although there is no existing law that enforces a minimum age requirement to ride a bicycle, the maximum speed of a low-speed electric bicycle can be potentially dangerous for the younger population. According to testimony submitted by the Department of Transportation, an age limit should be established when operating a low-speed electric vehicle for safety purposes. Your Committee notes that currently, an individual is allowed to drive a car with a permit at the age of 15.

Accordingly, your Committee has amended this measure by:

- (1) Reducing the age prohibition to operate a low-speed electric scooter from eighteen years to fifteen years;
- (2) Deleting the requirement to register a low-speed electric bicycle and pay a \$30 registration fee; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 812, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 812, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 1322 Transportation on H.B. No. 839

The purpose and intent of this measure is to appropriate funds to install signalized crosswalks and related pedestrian improvements at four unsignalized intersections in the Nuuanu area of the Pali Highway.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that pedestrian fatalities have increased significantly in the past year. According to the Governors Highway Safety Association, pedestrian fatalities in Hawaii have increased by 1,800 percent from the first six months of 2017 to the first six months of 2018. Your Committee further finds that as of February 2019, there have been nine pedestrian fatalities in the State, roughly 40 percent of the total fatalities that have occurred so far this year. Your Committee further finds that according to the Insurance Institute of Highway Safety Loss Data Institute, 40 percent of all accidents involving pedestrians occur at a crosswalk with no traffic signal. Installing traffic signals that give pedestrians exclusive access to intersections reduces pedestrian accidents at intersections by half. This measure will reduce the number of pedestrian fatalities in the State by installing pedestrian-activated signalized crosswalks at four potentially dangerous crosswalks in the Nuuanu area of the Pali Highway.

Your Committee has amended this measure by:

- (1) Inserting an appropriation of \$5,200,000 for the design and installation of signalized crosswalks and related pedestrian improvements in the Nuuanu area; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 839, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 839, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Shimabukuro).

# SCRep. 1323 Transportation on H.B. No. 1053

The purpose and intent of this measure is to amend the mandatory inscription for civil identification cards to conform with the currently used inscription.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that the state civil identification card was erroneously produced with the inscription "Hawaii Identification Card", rather than "State of Hawaii Identification Card", as mandated by statute. Your Committee further finds that there are numerous residents who are already carrying the cards with the incorrect inscription. Your Committee believes that requiring the residents to receive a corrected identification card would cause a great deal of inconvenience and it would be more expedient and economical to amend the statutorily mandated inscription to conform to the identification cards currently in use.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1053, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 1324 Transportation on H.B. No. 1165

The purpose and intent of this measure is to:

- (1) Require a license or state identification card to include a person's full legal name, date of birth, gender designation, residence address, and license number; and
- (2) Specify gender designation options by including a third option.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of Hawaiian Affairs, Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, Planned Parenthood Votes Northwest and Hawaii, Rainbow Family 808, LGBT Caucus of the Democratic Party of Hawai'i, Pride at Work Hawaii, American Civil Liberties Union of Hawai'i, Hawaii Women's Coalition, and six individuals.

Your Committee finds that the transgender community is subject to much discrimination and is the target of invasive questions, creating uncomfortable and unwarranted situations for many. Gender and sex markers on identification cards, such as driver's licenses, can increase the likelihood of discrimination for transgender and gender non-conforming individuals in various situations. Your Committee believes that expanding gender options on government issued identification cards will aid in nondiscrimination against transgender and gender non-conforming individuals.

Your Committee notes that it is the responsibility of the county examiner of drivers to issue driver's licenses at various county issuing locations, rather than the Department of Transportation.

Accordingly, your Committee has amended this measure by clarifying that the examiner of drivers, rather than the Department of Transportation, is prohibited from requiring documentation for an applicant's selection of, or amendment to, a gender designation, unless such documentation is necessary to establish that the applicant is legally entitled to a license.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1165, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1165, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 1325 Transportation on H.B. No. 1217

The purpose and intent of this measure is to:

- Make the inclusion of an affidavit application for voter registration mandatory for all driver's license and identification card applications;
- (2) Automatically register applicants who elect to register to vote; and
- (3) Require the Department of Transportation, the counties, and election personnel to share pertinent information for voter registration purposes.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of Elections, Hawaii Appleseed Center for Law and Economic Justice, Pono Hawai'i Initiative, Sierra Club of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters of Hawaii, Hawai'i Alliance of Nonprofit Organizations, Transform Hawai'i Government, AVR Hawaii, American Civil Liberties Union of Hawai'i, Common Cause Hawaii, Hawaii Women's Coalition, and seventeen individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that in Hawaii fewer than four out of ten eligible voters participated in the 2018 elections, the lowest voter turnout rate in the nation. Your Committee believes that improving access to voting is fundamental to the democratic process. Automatic voter registration eliminates unnecessary barriers to voting caused by the time and effort needed for antiquated methods. This measure will create a more efficient, convenient, and modernized registration system for residents of the State and encourage more residents to uphold their civic duty to vote.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1217, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 1326 Judiciary on H.B. No. 1354

The purpose and intent of this measure is to appropriate additional funds for the operations of the Office of Information Practices for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee received testimony in support of this measure from the Office of Information Practices.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Office of Information Practices to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Adding an appropriation in a blank amount for the establishment of three additional staff attorney positions within the Office of Information Practices; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1354, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1354, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1327 Judiciary on H.B. No. 1356

The purpose and intent of this measure is to appropriate funds to the Office of Elections' operating budget for the 2020 election voting contract, 2021 reapportionment, and four temporary positions to provide support for reapportionment.

Your Committee received testimony in support of this measure from the Office of Elections.

Your Committee finds that the Office of Elections is responsible for entering electronic voting systems contracts on behalf of the State, as well as participation in the 2021 reapportionment. This measure appropriates funds to the Office of Elections to meet these obligations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1356, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1328 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 333

The purpose and intent of this measure is to establish the state highway enforcement program and a parking violation surcharge in addition to other penalties and fines for parking violations on state highways.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Planning of the County of Kaua'i, and five individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committees find that a surge in tourism throughout the State has resulted in an increase in illegally parked vehicles along nearby state highways, creating unsafe and hazardous problems by blocking traffic lanes. Your Committees further find that the Department of Transportation and Department of Public Safety currently do not have sufficient resources to enforce parking violations and patrol remote portions where parking infractions occur on state highways. This measure will establish a framework for the Department of Transportation to properly enforce violations for illegally parked vehicles, provide necessary resources for the State to enforce parking violations, and improve safety along state highways.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 333, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 333, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

#### SCRep. 1329 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 394

The purpose and intent of this measure is to make the motor vehicle registration fee and county ordinances that increase a motor vehicle registration fee for U-drive motor vehicles consistent with the fee for all other motor vehicles.

Your Committees received testimony in support of this measure from the Department of Transportation, City and County of Honolulu Department of Customer Services, Office of the Mayor of the County of Maui, and two members of the Maui County Council. Your Committees received comments on this measure from the Tax Foundation of Hawaii.

Your Committees find that Act 274, Session Laws of Hawaii 1999, first established a lower motor vehicle registration fee and prevented the counties from imposing an increased registration fee for U-drive motor vehicles, or more commonly known as rental cars. Your Committees believe that rental cars share the road alongside all other vehicles in the State and thus should contribute equally to highway beautification. This measure will provide equal requirements for all motor vehicles for purposes of a registration fee. It will also help to defray additional costs for the disposition of abandoned or derelict vehicles in the State.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 394, H.D. 1, and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

### SCRep. 1330 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 788

The purpose and intent of this measure is to:

- (1) Prohibit any person from operating a vehicle that does not display a current, valid registration tag or emblem and a valid inspection sticker; and
- (2) Authorize a law enforcement officer to issue a citation to any person who operates a vehicle without a valid registration tag or emblem, or a valid inspection sticker.

Your Committees received testimony in support of this measure from the Department of Transportation, Maui Police Department, and Honolulu Police Department.

Your Committees find existing law unintentionally holds only registered owners of vehicles liable for not updating their vehicle registration and safety inspection. Your Committees further find that often times individuals purposely do not register their vehicles knowing that if they receive a citation, it will be dismissed in court as they are not the registered owner on file. This measure will increase highway safety by ensuring that vehicles on public roads have met the requirements of the State's safety inspection program and are properly registered.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 788, H.D. 2, and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

#### SCRep. 1331 Higher Education on H.B. No. 1546

The purpose and intent of this measure is to require and appropriate funds for the University of Hawaii to develop a plan for the statewide eradication of mosquitos.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Land and Natural Resources, and three individuals.

Your Committee finds that mosquitos are considered vectors of diseases that negatively affect humans and wildlife. Without sufficient eradication efforts, mosquito-borne disease such as dengue fever and Zika virus are likely to become established in Hawaii.

Your Committee further finds that mosquito eradication techniques have been developed and tested in multiple mosquito-affected regions of the world. Locally, the University of Hawaii, in partnership with the Department of Land and Natural Resources Division of Forestry and Wildlife and the United States Fish and Wildlife Service, have researched mosquito control technologies that could potentially benefit native wildlife and human health in Hawaii. This measure would provide additional resources for the University of Hawaii to continue its work to eradicate mosquitoes from Hawaii to protect public health and native species in the State.

Your Committee has amended this measure by:

- (1) Specifying that the appropriated funds are prohibited from being used for travel expenses; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1546, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1546, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1332 Higher Education on H.B. No. 1455

The purpose and intent of this measure is to appropriate funds for the University of Hawaii Maui College's International Office for various positions and study abroad opportunities for University of Hawaii Maui College students.

Your Committee received testimony in support of this measure from the University of Hawai'i System, University of Hawai'i Maui College Student Government Council, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the University of Hawaii Maui College's International Office works continuously to connect students from Maui and abroad to develop meaningful relationships in an increasingly globalized world. Through study abroad programs, students are able to experience cultures and educational opportunities in countries like Canada, China, the Czech Republic, Japan, Korea, and the Philippines. This measure empowers students by providing more opportunities for them to gain global experiences, expand their network, and build lasting relationships beyond Hawaii.

Your Committee notes that concerns have been raised regarding certain travel, like the Achieving the Dream Conference, and requests the University of Hawaii Maui College to submit a report to your Committee regarding how travel can be more reasonably limited to provide funds for the study abroad programs.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1455, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1455, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1333 Higher Education on H.B. No. 1157

The purpose and intent of this measure is to exempt students in post-secondary education programs from immunization requirements if they attend classes exclusively online or through distance learning.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Chaminade University of Honolulu, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that colleges and universities, including the University of Hawaii, are expanding access to higher education through courses and programs offered online. These courses provide more flexibility in location and schedule for students who are working, have family responsibilities, or have other challenges participating in on-campus classes.

Your Committee further finds that existing Hawaii Administrative Rules require post-secondary students, including students in online or distance learning programs who do not attend classes in person, to provide immunization records with evidence of certain vaccinations. The Department of Health is currently proposing a rule change to exempt post-secondary students in online or distance-learning programs who do not attend classes in person from the current immunization requirements. However, the proposed rule change may not be adopted in time for the fall 2019 classes. Therefore, this measure provides an exemption from the immunization requirements for these students in a timely manner.

Your Committee has amended this measure by:

- (1) Specifying that if a student enrolled in an online or distance learning program needs to go on campus for any reason, the student shall be subject to the immunization requirements of existing Hawaii Administrative Rules prior to entering the campus; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1157, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1157, H.D. 1, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

### SCRep. 1334 Higher Education on H.B. No. 1469

The purpose and intent of this measure is to establish a state income tax deduction for eligible contributions made to the Hawaii college savings program.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, State Council on Developmental Disabilities, and one individual. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that although the State established a college savings program to assist and encourage families to save and invest funds for future higher education expenses, the rate of increase in the program is much lower than in most other states' corresponding programs. A reason for this may be because most other states offer a state tax deduction or credit for contributions to their state college savings programs as an incentive for their residents to participate. Therefore, as the cost of higher education continues to rise, it is appropriate for the State to provide a similar incentive to Hawaii taxpayers to participate in Hawaii's college savings program. This measure creates an incentive that will increase the Hawaii college savings program's assets and help Hawaii families save for college instead of taking out educational loans.

Your Committee has amended this measure by:

- Clarifying that contributions to the Hawaii college savings program may be deducted from a taxpayer's Hawaii adjusted gross income:
- (2) Specifying the maximum amount a taxpayer may claim as a deduction as follows:
  - (A) \$4,000 for taxpayers filing a single return and for married couples filing separate returns; provided that each spouse may claim a deduction up to \$4,000; and
  - (B) \$8,000 for married couples filing joint returns, heads of household, or surviving spouses;
- (3) Specifying that nonqualified withdrawals from the Hawaii college savings program shall be subject to penalties pursuant to section 256-4, Hawaii Revised Statutes; and
- (4) Specifying that this measure shall apply to taxable years beginning after December 31, 2019, rather than December 31, 2018.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1469, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1469, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1335 Higher Education on H.B. No. 560

The purpose and intent of this measure is to require and appropriate funds for the University of Hawaii community colleges to:

- Establish energy systems and technology training courses for county officers and employees responsible for permitting, inspecting, licensing, and approving construction projects;
- (2) Establish an advisory committee of industry stakeholders for assistance with the training; and
- (3) Submit a report to the Legislature.

Your Committee received testimony in support of this measure from the University of Hawai'i System; Department of Business, Economic Development, and Tourism; State Fire Council; Kaua'i Fire Department; Maui Fire Department; Ulupono Initiative; Blue Planet Foundation; 350.org; 350Hawaii.org; Hawai'i Energy; and six individuals.

Your Committee finds that the State's ambitious clean energy goals, along with advances in energy technology, have created incentives for the adoption of new energy systems technologies and equipment. The increase in the adoption of new energy systems technologies and equipment has placed additional burdens on some county officers and employees who are responsible for permitting, inspecting, licensing, and approving projects, including officers and employees at county public works departments, planning and permitting departments, and fire departments. This measure ensures that these county officers and employees are properly trained and remain informed about new technology in the energy sector.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 560, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1336 Higher Education on H.B. No. 843

The purpose and intent of this measure is to appropriate funds for three non-tenure track, full-time, temporary positions for the applied technical education program at Hawaii Community College.

Your Committee received testimony in support of this measure from the University of Hawai'i System and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that Hawaii Community College has helped to create a trained workforce that meets the needs of local employers. Additional support is needed to add additional cohorts to accommodate interest from students and working adults in programs related to agriculture; automotive mechanics technology; auto body repair and painting; diesel mechanics; and machine, welding, and industrial mechanics. This measure bridges secondary education, post-secondary education, and workforce training and experience to build strong industries and good jobs for Hawaii island residents.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 843, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1337 Transportation on H.B. No. 696

The purpose and intent of this measure is to:

- (1) Limit the exemption from parking fees to eligible drivers with a disability who are unable to operate a parking meter or pay station due to their disability;
- (2) Clarify the time limits applicable to the parking fee exemption;
- (3) Make the act of selling or buying a fraudulently manufactured or altered disability parking permit and the act of buying or selling a disability permit when not authorized to have such permit a misdemeanor;
- (4) Clarify the authority of enforcement officers to confiscate placards and special license plates for violation of requirements for manufacture, sale, purchase, or use; and
- (5) Authorize advanced practice registered nurses to make a determination regarding a person's mobility.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Honolulu Police Department, and three individuals.

Your Committee finds that the statewide parking program for persons with disabilities provides individuals with mobility disabilities the opportunity to drive and park in accessible parking stalls. However, your Committee finds that the current exemption for disabled persons to park in metered spaces without paying a fee exceeds the original intent of the parking exemption for certain disabled individuals.

Your Committee notes that Senate Bill No. 1236, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, is a substantially similar measure that, among other things, also sets certain limitations from parking fees to eligible drivers with a disability. Your Committee believes that the language in Senate Bill No. 1236, S.D. 2 is preferable because it aligns the statewide parking program for persons with disabilities with the original intent of the program. In addition, Senate Bill No. 1236, S.D. 2, addresses the concerns of various stakeholders who provided testimony to your Committee.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of Senate Bill No. 1236, S.D. 2, a substantially similar bill, which:

- Clarifies that the exemption from parking fees applies only to disabled persons who drive and are unable to reach or operate a
  parking meter or an unattended pay station due to a physical disability;
- (2) Makes the act of selling or buying a disability parking permit a misdemeanor;
- (3) Authorizes law enforcement officers to confiscate a disability parking permit that is invalid or has been altered; and
- (4) Clarifies the types of disabilities that qualify for a disability parking permit.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 696, H.D. 2, as amended herein, and recommends that it pass Second

Reading in the form attached hereto as H.B. No. 696, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

#### SCRep. 1338 (Joint/Majority) Water and Land and Energy, Economic Development, and Tourism on H.B. No. 593

The purpose and intent of this measure is to authorize the development of utility scale solar projects on class A agricultural lands, subject to certain restrictions.

Your Committees received testimony in support of this measure from the Hawaii Clean Power Alliance and five individuals. Your Committees received testimony in opposition to this measure from the Department of Agriculture; Office of Planning; Hawaii Farm Bureau; Sierra Club of Hawaii'; Hawaii Farmers Union United; Hawaii Cattlemen's Council, Inc.; Hawaii Crop Improvement Association; Maui School Garden Network; Hawaii Interfaith Power & Light; 350.org; 350Hawaii.org; Hawaii's Thousand Friends; Organizing for Action; and fourteen individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism and Ulupono Initiative.

Your Committees find that energy costs can be a limiting factor that reduces the profitability of many of the State's farmers and ranchers, especially considering the high costs of energy in Hawaii as compared to the rest of the country. Your Committees find that permitting utility scale solar projects in state agricultural districts on class A lands could support Hawaii's agricultural industry by providing clean energy at a fixed cost for on-site agricultural operations, provided that the projects further agricultural activities. Your Committees find that utility scale solar projects contribute to the public welfare and that the ideal location for these projects is near high voltage electric lines because this location minimizes the costs of interconnection and transmission, thereby providing savings for ratepayers. Your Committees also find that clean energy at reduced costs is necessary for the sustainability of the State and future generations. This measure would allow for utility scale solar projects in prime locations in furtherance of the State's renewable energy goals.

Your Committees have amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees request that the Department of Agriculture provide your Committees with details of the inventory of class A agricultural lands specifying how many acres are currently in production and how many acres are currently fallow.

As affirmed by the records of votes of the members of your Committees on Water and Land and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 593, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 593, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3; Ayes with Reservations (Keith-Agaran, Nishihara). Noes, 1 (Riviere). Excused, 1 (Fevella). Energy, Economic Development, and Tourism: Ayes, 2; Ayes with Reservations (Fevella). Noes, 1 (Keohokalole). Excused, 2 (Inouye, Taniguchi).

# SCRep. 1339 Labor, Culture and the Arts on H.B. No. 1218

The purpose and intent of this measure is to appropriate or authorize funds for programs of the State Foundation on Culture and the Arts.

Your Committee received testimony in support of this measure from State Foundation on Culture and the Arts and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs under the purview of the House Standing Committee on Tourism and International Affairs.

Your Committee notes that S.B. No. 799 (Regular Session of 2019), which was previously passed by your Committee, also appropriates funds to the State Foundation on Culture and the Arts but specifically for use for the integration of works of art projects into several major capital improvement projects, including costs related to the acquisition of works of art and site modifications, display, and interpretive work necessary for the exhibition of works of art. Your Committee concludes that the language in S.B. No. 799 is preferable because it more appropriately defines the purpose of the appropriation as it relates to increasing the ceiling for the works of art special fund.

Accordingly, your Committee has amended this measure by:

- Deleting its contents and inserting the contents of S.B. 799, which appropriates funds out of the works of art special fund to
  the State Foundation on Culture and the Arts for the integration of works of art projects into several major capital improvement
  projects; and
- (2) Inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1218, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1218, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

# SCRep. 1340 Labor, Culture and the Arts on H.B. No. 1343

The purpose and intent of this measure is to extend Hawaii family leave to include care for grandchildren.

Your Committee received testimony in support of this measure from the Department of Human Services; Hawai'i State Commission on the Status of Women; American Association of University Women of Hawaii; Hawaii Children's Action Network; PHOCUSED; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; ILWU Local 142; and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii'i. Your Committee received testimony in opposition to this measure from the Chamber of Commerce Hawaii, Retail Merchants of Hawaii, and one individual. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee recognizes that Hawaii ranks first in the nation for multigenerational families and that there is a growing trend of grandparents acting as primary caregivers for their grandchildren. There are approximately forty-seven thousand children under eighteen years of age that live in homes with grandparents in Hawaii. Approximately twelve thousand five hundred grandparents are responsible for their grandchildren, with sixty percent of them currently in the workforce. Your Committee finds that under existing family leave law, grandparents are not allowed to take leave to care for their grandchildren. This measure will provide grandparents with family leave, which will allow grandparents acting as primary caregivers to tend to the needs and betterment of their family members.

Your Committee notes the concerns of testifiers that this measure will add a costly mandate to business owners and stifle business growth, job creation, and economic stability in Hawaii.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that grandparents are entitled to a total of one week of family leave during any calendar year;
- (2) Changing the effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1343, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1343, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

#### CRep. 1341 Labor, Culture and the Arts on H.B. No. 1344

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Human Resources Development.

Your Committee received testimony in support of this measure from the Department of Human Resources Development and the Board of Trustees of the Deferred Compensation Plan.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Human Resources Development to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee notes that S.B. No. 796, S.D. 1 (Regular Session of 2019), which was passed by the Senate, also appropriates funds to the Department of Human Resources Development for certain positions and programs. Your Committee concludes that the language in S.B. No. 796, S.D. 1, is preferable because it more accurately reflects the needs of the Department of Human Resources Development.

Accordingly, your Committee has amended this measure by removing its contents and replacing it with the contents of S.B. No. 796, S.D. 1, which appropriates funds to the Department of Human Resources Development to finance programs and positions including positions and funding for the employee staffing program, a position for a human resources technician, and funding for the labor relations program.

Your Committee requests that if your Committee on Ways and Means passes this measure that is consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose or intent.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1344, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1344, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

# SCRep. 1342 Labor, Culture and the Arts on H.B. No. 1345

The purpose and intent of this measure is to appropriate funds for the operating budget of the Hawaii Employer-Union Health Benefits Trust Fund for the 2019-2021 fiscal year.

Your Committee received testimony in support of this measure from the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) provides health insurance to nearly two hundred thousand state and county employees, retirees, and their dependents and collects and pays approximately \$1,000,000,000 in

premiums annually. Your Committee also finds that the funds appropriated in this measure are in addition to the budget base amounts necessary to support the essential functions and operations of the EUTF.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1345, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

#### SCRep. 1343 Labor, Culture and the Arts on H.B. No. 1375

The purpose and intent of this measure is to appropriate funds to support the State of Hawaii Museum of Natural and Cultural History.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority, Bishop Museum Association Council, Historic Hawai'i Foundation, Society of Hawaiian Archaeology, Bishop Museum, Council for Native Hawaiian Advancement, Institute for Native Pacific Education and Culture, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and four individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Bernice Pauahi Bishop Museum, designated as the State of Hawaii Museum of Natural and Cultural History, is significant for its cultural, architectural, educational, scientific, and historical contributions to Hawaii. It is listed on the National Register of Historic Places and is one of Hawaii's most significant and iconic buildings. Your Committee further finds that Bernice Pauahi Bishop Museum researchers have discovered over seventeen thousand species of plants, animals, and insects throughout the Pacific region and have made countless discoveries related to the migration, settlement, and daily life of Pacific people. Not only does the Bernice Pauahi Bishop Museum conduct research, but it also provides vital education to the public, including thousands of Hawaii's schoolchildren.

Your Committee also finds that the annual appropriation to the Bernice Pauahi Bishop Museum has decreased significantly over the preceding decade. This measure will appropriate funds to the Department of Budget and Finance, which will enable the Bernice Pauahi Bishop Museum to continue its work.

Your Committee notes that S.B. No. 699, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, also appropriates funds to support the work of the Bernice Pauahi Bishop Museum. Your Committee concludes that the language in section 2 of S.B. No. 699, S.D. 2, is preferable because it requires the Governor to include in the executive budget a minimum amount per fiscal year as a recurring cost to be allocated to the State of Hawaii Museum of Natural and Cultural History.

Your Committee has amended this measure by:

- (1) Removing section 2 and replacing it with the contents of section 2 of S.B. No. 699, S.D. 2, which beginning with the 2021-2023 fiscal biennium and each fiscal biennium thereafter, requires the Governor to include in the executive budget a minimum amount per fiscal year as a recurring cost to be allocated to the State of Hawaii Museum of Natural and Cultural History;
- (2) Inserting an appropriation amount of \$2,000,000 to the State of Hawaii Museum of Natural and Cultural History to support the work of the Bernice Pauahi Bishop Museum, including but not limited to collections care and student learning programs; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1375, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1375, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

#### SCRep. 1344 Labor, Culture and the Arts on H.B. No. 1533

The purpose and intent of this measure is to establish a historic preservation tax credit for qualified construction expenses incurred in the rehabilitation of income producing historic structures, with an enhanced tax credit for income-producing historic structures that provide affordable housing units.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Historic Hawai'i Foundation, and Minatoishi Architects. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that tax incentives for rehabilitation of historic structures have been proven to be enormously effective in preserving important buildings; ensuring their continued economic viability; revitalizing communities, especially historic downtowns; preserving community character; and promoting heritage tourism. Tax credits for rehabilitation of historic structures also provides an incentive to promote rehabilitation of income producing historic properties and provide affordable housing.

Your Committee further finds that many states already provide tax credits for the rehabilitation of historic structures. National studies have found that historic rehabilitation tax credits spur economic development and increase direct revenues that offset the tax credit expense. This measure will establish a historic rehabilitation tax credit, which will benefit affordable housing, tourism, neighborhood revitalization, and the economy as a whole.

Your Committee notes the testimony of the Department of Land and Natural Resources that clarifying language may be necessary to refine and strengthen this measure. Your Committee further notes that S.B. 1394, S.D. 2 (Regular Session of 2019), which was

previously passed by the Senate, is a substantially similar measure that also establishes a historic rehabilitation tax credit. Your Committee concludes that the language in S.B. 1394, S.D. 2, is preferable because it already incorporates the suggested clarifying amendments provided in testimony.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. 1394, S.D. 2, a substantially similar measure, which:
  - (A) Establishes a historic preservation income tax credit; and
  - (B) Appropriates funds for one temporary position to assist with the establishment and administration of the historic preservation income tax credit program;
- (2) Inserting an effective date of January 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1533, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1533, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

# SCRep. 1345 Labor, Culture and the Arts on H.B. No. 393

The purpose and intent of this measure is to:

- (1) Create a fiduciary duty on Hawaii Employer-Union Health Benefits Trust Fund trustees;
- (2) Prohibit transactions where the trustee has a conflict of interest; and
- (3) Establish liabilities for breach of fiduciary duty.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund and Department of Budget and Finance.

Your Committee finds that under existing law, Employer-Union Health Benefits Trust Fund (EUTF) trustees owe no fiduciary duty to the participants or beneficiaries of the EUTF when acting on their behalf. Currently, EUTF trustees may represent participants or beneficiaries where there is a conflict of interest. This measure creates a fiduciary duty on EUTF trustees which will increase the accountability of the EUTF trustees to the participants or beneficiaries and better protect their interests.

Your Committee has amended this measure by:

- (1) Removing references to "participants and beneficiaries" and replacing those references with "employee-beneficiaries";
- (2) Removing language establishing personal liability of EUTF trustees for reimbursement to the EUTF for any losses to the EUTF resulting from a trustee's breach of their fiduciary duty; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 393, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 393, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

## SCRep. 1346 Labor, Culture and the Arts on H.B. No. 488

The purpose and intent of this measure is to:

- (1) Prohibit written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's condition of employment under certain circumstances; and
- (2) Prohibit employees from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Department of Human Services; Hawai'i State Commission on the Status of Women; Hawai'i Civil Rights Commission; SAG-AFTRA Hawaii Local; American Association of University Women of Hawaii; Planned Parenthood Votes Northwest and Hawaii; Fujiwara & Rosenbaum, LLLC; Hawai'i Women Lawyers; Aloha State Association of the Deaf; Hawaii Women's Coalition; and one individual. Your Committee received comments on this measure from the Department of Human Resources Development.

Your Committee finds that nondisclosure agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders who engage in a pattern of sexual harassment. Your Committee also finds that many victims of sexual assault and harassment do not report it because of fear of being retaliated against. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

Your Committee has amended this measure by:

- (1) Clarifying that this measure does not apply to any employees expected to maintain the confidentiality of an investigation as part of their official duties, not just human resources employees; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 488, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 488, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

#### SCRep. 1347 Labor, Culture and the Arts on H.B. No. 845

The purpose and intent of this measure is to:

- (1) Establish the public employees training program to provide training state employees;
- (2) Allocate either 0.01 percent of each employee's gross salary, or an amount negotiated pursuant to collective bargaining, to the public employees training program; and
- (3) Require all new employees to be provided with a general orientation on their benefits and rights.

Your Committee received comments on this measure from the Department of Budget and Finance; City and County of Honolulu Department of Human Resources; United Public Workers, AFSCME, Local 646, AFL-CIO; and Hawaii Government Employees Association, AFSCME Local 142, AFL-CIO.

Your Committee finds that there is a rising number of eligible retirees within the various departments of state government, which creates a pressing need to prepare the next generation of workers to occupy positions vacated by retirees, especially at the supervisory level. Your Committee believes that a public employees training program could help to stabilize the workforce and ensure the transfer of essential skills and institutional knowledge. However, your Committee also wants to ensure that new employees are informed about their benefits and rights as soon as possible. This measure will establish a board to provide training programs for public employees and require that new employees are provided with an orientation where they will be informed about their benefits and rights.

Your Committee notes that S.B. No. 792, S.D. 1 (Regular Session of 2019), which was previously passed by your Committee, also established the public employee training program. Your Committee concludes that S.B. No. 792, S.D. 1 is preferable because it contains amendments already made by this Committee based on previous testimony regarding removing language that would require public employees to contribute to the public employees training fund. Your Committee also notes the request of the City and County of Honolulu Department of Human Resources that clarification is needed to expressly exclude county employees since such employees are not covered by chapters 78 and 89, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B., 792, S.D. 1, which also establishes the public employee training program but does not require employees to contribute to the training fund;
- (2) Replacing the word "public" with the word "state" where appropriate to clarify that counties are excluded from the requirements of this measure; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 845, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 845, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

# SCRep. 1348 Labor, Culture and the Arts on H.B. No. 867

The purpose and intent of this measure is to establish the chief recruitment officer position, exempt from chapter 76, Hawaii Revised Statutes, within the Department of Human Resources Development.

Your Committee received testimony in support of this measure from the Office of the Governor, Department of Taxation, Department of Human Resources Development, and Department of Transportation. Your Committee received comments on this measure from the Department of Agriculture, Department of Budget and Finance, and Department of Human Services.

Your Committee finds that it is in the State's best interest to support critical government functions with the most talented and qualified staff. Your Committee further finds that the State has a large number of vacancies in a variety of positions across all of its departments and many departments are losing key employees to retirement or the private sector. Your Committee also finds that the Department of Human Resources Development lacks a key type of employee position to serve as a liaison between the Department of Human Resources Development and state departments and agencies to facilitate and expedite the hiring and recruitment for civil service positions. This measure will establish a chief recruitment officer position which will help facilitate the recruitment process for civil service positions to guarantee the continued support of critical government functions.

Your Committee notes the testimony of the Department of Human Resources Development that given the position's responsibilities and that the Chief Recruitment Officer will be reporting directly to the Director of Human Resources Development, the chief

recruitment officer position's title should be changed to Administrative Assistant to the Director of Human Resources Development, to be consistent with chapter 76-16, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Changing the title of the Chief Recruitment Officer to Administrative Assistant to the Director of Human Resources Development; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 867, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 867, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

#### SCRep. 1349 Labor, Culture and the Arts on H.B. No. 913

The purpose and intent of this measure is to allow the filing of documents with the Hawaii Labor Relations Board by the original paper document or electronically.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board.

Your Committee finds that under existing law, electronic filing of documents with the Hawaii Labor Relations Board is not expressly allowed. Codifying the option to allow for electronic filing of documents would provide a faster and less expensive method of delivery. This measure will reduce costs and provide a more efficient process to accommodate all parties.

Your Committee has amended this measure by inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 913, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 913, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

#### SCRep. 1350 Higher Education on H.B. No. 1277

The purpose and intent of this measure is to:

- (1) Provide scholarships under the Hawaii promise program for the unmet direct cost needs of qualified students at any four-year University of Hawaii campus who meet certain eligibility criteria; and
- (2) Appropriate funds for the establishment and implementation of the Hawaii promise program.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Education, Kamehameha Schools, Engineering Alumni Association of the University of Hawaii, University of Hawai'i Alumni Association, and three individuals.

Your Committee finds that the Hawaii promise program provides financial assistance to students with financial need, as determined by the student's Free Application for Federal Student Aid, to meet the cost of tuition, fees, books, and transportation. However, the Hawaii promise program is only available to students at the University of Hawaii community colleges. This measure expands the Hawaii promise program to qualified students at four-year institutions, which will significantly enhance the number of economically disadvantaged students who can attend and graduate from the University of Hawaii.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1277, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1351 Higher Education on H.B. No. 813

The purpose and intent of this measure is to:

- (1) Establish the University of Hawaii promise program plus to provide scholarships for the unmet direct cost needs of qualified students who are graduates of a University of Hawaii community college who received a Hawaii community college promise program scholarship and are currently enrolled at any University of Hawaii campus; and
- (2) Appropriate funds to establish and implement the program.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Education, University of Hawai'i Alumni Association, and one individual.

Your Committee finds that the first cohort of students from community colleges who received scholarships from the Hawaii community college promise program are scheduled to graduate in 2019 with Associate's degrees. Some students will be poised to enter the University of Hawaii System to obtain a Bachelor's degree, yet lack the financial resources to do so. Additionally, students and graduates of the Hawaii community college promise program who do not yet have a definite career goal but are pursuing further

education should be strongly encouraged to pursue careers where personnel shortages currently exist or are projected to exist in the near future. This measure extends the promise program for this cohort of students, leading to stronger educational outcomes and improved quality of life for participating students, and encourages students to pursue careers in fields that strengthen Hawaii's current and future economy.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 813, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 813, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

### SCRep. 1352 Higher Education on H.B. No. 1521

The purpose and intent of this measure is to appropriate or authorize funds for programs of the University of Hawaii for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the University of Hawaii to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1521, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1353 Higher Education on H.B. No. 1522

The purpose and intent of this measure is to appropriate or authorize funds for programs of the University of Hawaii for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the University of Hawaii to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately. As such, your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1522, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1354 Higher Education on H.B. No. 312

The purpose and intent of this measure is to require the University of Hawaii, West Oahu, to offer a Bachelor of Arts degree in creative media.

Your Committee received testimony in support of this measure from the Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi and two individuals. Your Committee received testimony in opposition to this measure from the University of Hawaiʻi System.

Your Committee finds that post-secondary education in creative media provides opportunities for students to pursue careers in graphic and web design, digital video production, and other digital media outlets. Currently, the University of Hawaii, West Oahu campus, offers a Bachelor's of Applied Science degree with a concentration in creative media and a Bachelor's of Humanities degree with a concentration in creative media. However, these degrees may not be seen by prospective employers on the same level as a Bachelor's of Arts degree from other universities. This measure would provide a specialty degree for students pursuing creative media and expand the locally trained creative media industry workforce.

Your Committee notes that, according to testimony, the Board of Regents of the University of Hawaii approved the establishment of a Bachelor of Arts degree in creative media at its February 28, 2019, meeting, but the matter is pending approval from the Western Senior College and University Commission. In light of this, your Committee requests your Committee on Ways and Means to consider this measure for further deliberation.

Your Committee has amended this measure by:

- (1) Inserting language that requires the University of Hawaii to finalize and approve, including seeking approval from the Western Senior College and University Commission, the Bachelor of Arts degree in creative media at the University of Hawaii, West Oahu, by the start of the 2020 spring semester;
- (2) Inserting language that appropriates funds for fiscal year 2020-2021 to the University of Hawaii creative media program for the purposes of strengthening the pipeline of students to the creative media industry; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 312, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 312, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1355 Higher Education on H.B. No. 398

The purpose and intent of this measure is to require the University of Hawaii System to create additional distance-learning classes in teaching for students who are pursuing undergraduate degrees in education.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and one individual. Your Committee received comments on this measure from the University of Hawai'i System and Department of Education.

Your Committee finds that Hawaii has long suffered from a shortage of qualified public school teachers, and this shortage continues to worsen as fewer graduates from Hawaii teacher education programs are entering the profession. According to the Hawaii State Teachers Association, the number of graduates joining the Department of Education fell by nearly thirty percent from the 2010-2011 school year to the 2016-2017 school year. Additionally, teachers leaving Hawaii has outpaced retirement as the top reason for attrition in the last three years.

As a matter of statewide concern, your Committee further finds that the University of Hawaii System does not offer undergraduate students who are pursuing degrees in the field of education a sufficient number of classes in their major, especially for those students who enroll in distance-learning classes. This measure ensures that the University of Hawaii increases educational opportunities to students who are pursuing undergraduate degrees in education in hopes to increase the number of qualified teachers entering the profession.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 398, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

### SCRep. 1356 Labor, Culture and the Arts on H.B. No. 981

The purpose and intent of this measure is to:

- Specify that overpayments and retirement benefits constitute a debt due and owing to the Employees' Retirement System by recipients of overpayments;
- (2) Authorize the Employees' Retirement System to adopt and enforce rules to recover retirement benefit overpayments; and
- (3) Authorize waiver of benefit overpayments in cases of hardship or where the costs of recovery exceed the amount to be recovered.

Your Committee received testimony in support of this measure from the Employees' Retirement System.

Your Committee finds that existing law is not clear regarding the Employees' Retirement System's ability to recover overpaid benefit payments. This measure will strengthen the Employees' Retirement System's ability to recover overpaid benefit payments by declaring overpayments to be debts due and owing to the Employees' Retirement System and clarifying that overpayments are legally collectable. This measure will facilitate rulemaking for maximum recovery, the filing of legal collection actions and liens against real property of overpaid recipients, and the filing of claims against the estate of deceased recipients.

Your Committee has amended this measure by:

- Clarifying that the recovery of retirement benefit overpayments shall be made in accordance with both applicable state law and federal regulations; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 981, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 981, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

#### SCRep. 1357 Labor, Culture and the Arts on H.B. No. 1007

The purpose and intent of this measure is to allow participants to make pre-tax contributions and post-tax contributions to the state deferred compensation plan.

Your Committee received testimony in support of this measure from the Department of Human Resources Development. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that on January 1, 2011, the federal Small Business Jobs Act of 2010 took effect, which expanded the availability of Roth contribution provisions to deferred government compensation plans under section 457(b) of the Internal Revenue Code. Your Committee further finds that while federal law permits Roth contributions to deferred compensation plans, such contributions are prohibited under state law in Hawaii. This measure allows participants in a deferred compensation plan under Hawaii law to choose whether all or part of their deferred compensation amounts are deferred as a traditional contribution or a Roth contribution, or both.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1007, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1007, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

#### SCRep. 1358 Labor, Culture and the Arts on H.B. No. 1186

The purpose and intent of this measure is to appropriate funds to the Department of Labor and Industrial Relations for the disability compensation division modernization project, unemployment insurance modernization project, administration of the Hawaii employment security law, and positions in the Disability Compensation Division, Labor and Industrial Relations Appeals Board, and Wage Standards Division.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Labor and Industrial Relations in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee notes that S.B. 797, S.D. 1 (Regular Session of 2019), which was previously passed by your Committee, also appropriates funds to the Department of Labor and Industrial Relations for programs or positions. Your Committee notes the testimony of the Department on Labor and Industrial Relations suggesting that certain sections of S.B. 797, S.D. 1 be included in this measure. Your Committee concludes that the language in S.B. 797, S.D. 1 is preferable because it contains the specific language requested by the Department of Labor and Industrial Relations and provides for the appropriation of funds for additional Department of Labor and Industrial Relations' programs and positions.

Your Committee has amended this measure by deleting its contents and replacing it with the contents of S.B. 797, S.D. 1, which appropriates funds for various operating expenses of the Department of Labor and Industrial Relations.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1186, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1186, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

## SCRep. 1359 Labor, Culture and the Arts on H.B. No. 1191

The purpose and intent of this measure is to:

- (1) Increase minimum wage rates annually from January 1, 2020, through January 1, 2024; and
- (2) Provide lower minimum wage rates for employees who receive employer-sponsored health benefits under the Hawaii Prepaid Health Care Act.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; Hawaii State Commission on the Status of Women; LGBT Caucus of the Democratic Party of Hawaii; Hawaii Children's Action Network; IP Xpert of Honolulu LLC; Democratic Party of Hawaii, Hawaiian Affairs Caucus; AAUW of Hawaii; Hawaiian Community Assets; ILWU Local 142; Americans for Democratic Action; PHOCUSED; Young Progressives Demanding Action; Faith Action for Community Equity; Pride at Work Hawaii; League of Women Voters of Hawaii; Rainbow Family 808; Hawaii Appleseed Center for Law and Economic Justice; IMUAlliance; Democratic Party of Hawaii Education Caucus; Associated Students of the University of Hawaii; Zonta Club of Hilo; Hawaii State Teachers Association; Democratic Party of Hawaii Labor Caucus; Roman Catholic Church in the State of Hawaii; Living Wage Hawaii; Democratic Party of Hawaii; Drug Policy Forum of Hawaii; Hawaii Alliance for Progressive Action; Hawaii Government Employees Association; Hawaii 'i Public Health Institute; Hawaii 'i Alliance for Community-Based Economic Development; Hawaii Women's Coalition; over forty individuals; and a form letter submitted by over twenty individuals. Your Committee received testimony in opposition to this measure from Makapueo Farms; Hawaii Restaurant Association; MOJO LLC; Kalaheo Cafe and Coffee Co.; Waikiki Brewing Company; Hawaii Petroleum, LLC; Kona Coffee and Tea Company; Boss Frog's Dive and Surf; Hawaii Food Industry Association; Island Plastic Bags, Inc.; Tanaka of Tokyo Restaurants; Retail Merchants of Hawaii; Chamber of Commerce Hawaii; Il Gelato Hawaii; Kauai Ice Distributors; Hawaiian Chip Company; Anna

Miller's Restaurant; Tiki's Grill and Bar; Envisions Entertainment and Productions, Inc.; Magic's Beach Grill; Jean's Warehouse Inc.; ABC Stores; RMA Sales; National Federation of Independent Businesses Hawaii; Hawaii Food Manufacturers Association; Hawai'i Lodging and Tourism Association; Hawai'i Farm Bureau; Hawaii Petroleum Marketers Association; Maui Chamber of Commerce; and eleven individuals. Your Committee received comments on this measure from the Moilili Community Center; Grassroot Institute of Hawaii; Society for Human Resources Management Hawaii; and one individual.

Your Committee finds that a vast majority of rigorous, credible studies conclude that higher minimum wages appreciably boost workers' earnings with little or no effect on employment. In fact, raising the minimum wage increases earnings growth of low-income workers, and increasingly does so over the long-term, all without declines in employment. A recent 2018 study by the U.S. Census Bureau found that raising the minimum wage benefits a large majority of low-income workers by putting them on the path to higher earnings in the long term and decreasing income inequality.

Your Committee further finds that currently, there is a significant difference between the minimum wage and what is needed to afford basic necessities in Hawaii. Indeed, Hawaii has the lowest average wage in the nation when adjusted for the cost of living. This measure will therefore increase the minimum wage which will raise the quality of life for Hawaii residents, reduce poverty, and increase economic activity.

Your Committee notes that S.B. No 789, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, is a similar measure that also increased the minimum wage in Hawaii. Your Committee concludes that the language in S.B. 789, S. D. 2 is preferable because it includes a minimum wage tax credit for qualified small businesses to offset the increase in the minimum hourly wage and increases the minimum wage on January 1, 2020, and January 1, 2023, rather than annually, allowing for the minimum wage to increase to \$12.00 and \$15.00 sooner than this measure as currently drafted.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. 789, S.D. 2, a similar measure, which:
  - (A) Provides an income tax credit for qualifying small businesses to offset the increase in the minimum hourly wage that employers must pay employees; and
  - (B) Increases the minimum wage to \$12.00 per hour beginning January 1, 2020, and \$15.00 per hour beginning January 1, 2023:
- (2) Removing the requirement that in order for a small business to qualify for the tax credit it make less than an unspecified amount in gross income; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1191, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1191, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Ihara, Fevella). Noes, none. Excused, 1 (Gabbard).

### SCRep. 1360 Labor, Culture and the Arts on H.B. No. 1192

The purpose and intent of this measure is to:

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity;
- (3) Require employers to disclose wage ranges to employees and prospective employees; and
- (4) Exempt wage disclosure and discussion from the prohibitions on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace.

Your Committee received testimony in support of this measure from the Hawaii Appleseed Center for Law and Economic Justice; American Association of University Women of Hawaii; Fujiwara & Rosenbaum, LLLC; Pride at Work Hawaii; Aloha State Association of the Deaf; Planned Parenthood Votes Northwest and Hawaii; and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Petroleum Company, Island Plastic Bags Inc., and Society for Human Resources Management Hawaii. Your Committee received comments on this measure from the Hawaii Civil Rights Commission, Hawaii Food Industry Association, and Chamber of Commerce Hawaii.

Your Committee finds that pay disparity still persists between men and women in Hawaii who do similar work. Hawaii ranks twenty-third in income equality out of all states and the District of Columbia, according to the most recent census bureau. Your Committee further finds that the most extreme disparity in pay exists among Native Hawaiian and other Pacific Islander women who earn only sixty-two percent of white male earnings nationally. This measure clarifies the classes protected from pay discrimination, and provides for wage transparency, which will get Hawaii closer to ending pay disparity in the workplace.

Your Committee notes that S.B. No. 1375, S.D. 1 (Regular Session of 2019), which was previously passed by your Committee, is a similar measure. Your Committee concludes that the language in S.B. No. 1375, S.D. 1, is preferable because it does not contain language that exempts wage disclosure and discussion from the prohibition on employer retaliation or discrimination if knowledge of the wages stems from human resources, payroll, or legal professional responsibilities in the workplace. In addition, S.B. No. 1375, S.D. 1, contains amendments previously proposed by the Hawai'i Civil Rights Commission.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 1375, S.D. 1, a similar measure, which:
  - (A) Conforms statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
  - (B) Clarifies allowable justifications for compensation differentials and remedies for pay disparity;
  - (C) Requires employers to disclose wage ranges to employees and prospective employees; and
  - (D) Inserts an effective date of upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1192, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1192, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

# SCRep. 1361 Judiciary on H.B. No. 627

The purpose and intent of this measure is to:

- (1) Classify any independent expenditure as a contribution to a candidate or as a contribution to each opposing candidate; and
- (2) Require any advertisement by a noncandidate committee that makes only independent expenditures to disclose all contributors for the advertisement.

Your Committee received testimony in support of this measure from Common Cause Hawaii. Your Committee received testimony in opposition to this measure from the League of Women Voters of Hawaii. Your Committee received comments on this measure from the Campaign Spending Commission; Department of the Attorney General; and Hawaii Association of Broadcasters, Inc.

Your Committee finds that transparency in campaign advertising is important for ensuring fair and properly run elections. Your Committee further finds that independent expenditures advocating for the election of a candidate benefit that candidate as much as direct contributions to the candidate's committee do. However, your Committee additionally finds that classifying independent expenditures supporting or opposing a candidate as a contribution to that candidate or as a contribution to each opposing candidate would result in those candidates and their committees being responsible for election expenses over which they have no control.

Accordingly, your Committee has amended this measure by:

- (1) Requiring noncandidate committees and other persons making independent expenditures to indicate which candidates they are supporting or opposing on expenditure reports and electioneering communication statements instead of attributing independent expenditures to the candidates and candidate committees that benefit from the expenditures;
- Requiring the Campaign Spending Commission to post independent expenditure information for each candidate on the Commission's website;
- (3) Removing language requiring any advertisement by a noncandidate committee that makes only independent expenditures to disclose all contributors for the advertisement; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 627, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 627, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1362 Judiciary on H.B. No. 942

The purpose and intent of this measure is to make appropriations for claims against the State, its officers, and its employees.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of Transportation. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that, based on the testimony submitted by the Department of the Attorney General, this measure requests a total of \$1,119,556.63 in appropriations from the general fund, to be paid from the respective department's fiscal year 2018-2019 budget, to satisfy thirteen claims against the State and a total of \$12,166.45 in an appropriation from the state highway fund to satisfy one claim against the State. The grand total for the fourteen claims settled in this measure as received by your Committee is \$1,131,723.08. Timely passage of this measure will minimize the State's obligation to pay interest on those amounts.

Your Committee notes the written testimony submitted by the Department of the Attorney General, which requests the addition of twelve new claims that have been resolved since this measure was introduced. The addition of these new claims result in a total of \$2,250,429.26 in appropriations needed from the state general fund and \$4,042,607.32 in appropriations needed from the state highway fund.

Your Committee has amended this measure by:

- (1) Adding general fund appropriations for eight new claims totaling \$1,130,872.63 and state highway fund appropriations for four claims totaling \$4,030,440.87, as requested by the Department of the Attorney General, which increases the grand total of appropriations to \$6,293,036.58 in order to satisfy a total of twenty-six claims against the State, its officers, or its employees;
- Specifying that the new general fund appropriations shall be paid out of the respective department's fiscal year 2018-2019 budget;
- (3) Correcting the disposition listed for *Umberger*, et al. v. Department of Land and Natural Resources, State of Hawaii, to "Judgment";
- (4) Authorizing the Department of Land and Natural Resources to pay claims out of either the Department's fiscal year 2018-2019 budget or 2019-2020 budget; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 942, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 942, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1363 Government Operations on H.B. No. 361

The purpose and intent of this measure is to prohibit the Governor or any county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office.

Your Committee received testimony in support of this measure from the Common Cause Hawaii, Honolulu County Republican Party, and three individuals. Your Committee received comments on this measure from the Hawaii State Ethics Commission.

Your Committee finds that the offices of the Governor and county Mayors are five of the most important public offices in the State. It is essential that the holders of those offices devote their full time, attention, and energy to serving the State and avoid even the appearance of a potential conflict of interest.

Part of this commitment involves not holding other employment or receiving emoluments while serving as the Governor or a county Mayor.

Your Committee notes that this measure is necessary because the proposed prohibition on emoluments is broader in scope than the existing statutory prohibition for the Governor. Therefore, this measure would address citizens' concerns of potential conflicts of interest when the Governor is receiving remunerations from being on a board. This measure prohibits the Governor and county Mayors from holding other employment and receiving emoluments while in office, which prevents any semblance of impropriety or a conflict of interest, maintains fiscal integrity, and promotes public trust in government officials.

Your Committee respectfully requests your Committee on Judiciary to assess the appropriate chapter within the Hawaii Revised Statutes to place restrictions on county officials, as it appears that there are no comparable state statutory standards as that which exist for the Governor in chapter 84, Hawaii Revised Statutes. Your Committee also respectfully requests your Senate Committee on Judiciary determine if the Attorney General should have concurrent enforcement authority over the Governor and county officials, and whether this measure should include language authorizing a blind trust or similar process used at the federal level for financial entities, such as ownership or partnership managing a private business.

Your Committee has amended this measure by:

- Moving the provision prohibiting the Governor, while in office, from maintaining other employment or receiving any emolument to Chapter 84, Hawaii Revised Statutes;
- Specifying that the Hawaii State Ethics Commission shall have enforcement authority over the prohibition against outside employment and emoluments for the Governor;
- (3) Specifying that the respective county boards and commissions shall have enforcement authority over the prohibition against outside employment and emoluments for each county Mayors; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 361, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 361, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1364 Government Operations on H.B. No. 1153

The purpose and intent of this measure is to require each house of the Legislature to establish procedures and necessary information infrastructure for the public to present oral testimony at legislative committee hearings through remote testimony.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, Disability and Communication Access Board, Common Cause Hawaii, Democratic Party of Hawai'i, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Honolulu County Republican Party, and three individuals.

Your Committee finds that as an island state, Hawaii's geography and transportation challenges pose particular hardships for residents of the counties of Hawaii, Kauai, and Maui to actively participate in the legislative process via in-person testimony at committee hearings. Neighbor island residents who physically attend legislative committee hearings to testify on measures incur significant air travel, lodging, and other transportation costs, and often have to take time off from work. Your Committee recognizes that face-to-face public testimony can have a significant impact on legislators and the media and that enabling the public to provide live, real-time remote testimony will improve citizen participation in and public access to the legislative process. This measure will allow neighbor island residents and other residents who live far from the State Capitol to participate in committee hearings via remote testimony, which will promote equal access to the legislative process and encourage greater civic participation.

Your Committee has amended this measure by:

- (1) Establishing the remote legislative access program within the Legislature's public access program, to be supervised by the joint legislative access committee;
- (2) Specifying requirements that the joint legislative access committee must consider when developing the remote legislative access program and requiring the committee to recommend policies for the program; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1153, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1153, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1365 Government Operations on H.B. No. 356

The purpose and intent of this measure is to require the Comptroller to annually adjust for inflation the threshold amount for which settlements of claims against the State must be approved by the Legislature.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services.

Your Committee finds that any claim above the Risk Management Office's settlement and payment authority is handled by the Department of the Attorney General. This measure will reduce some of the cases assigned to the Attorney General by increasing the settlement authority of the Risk Management Office, thereby promoting settlement and more efficient use of state resources.

Your Committee has amended this measure by:

- (1) Increasing the Comptroller's settlement authority for automobile claims from \$15,000 to \$25,000;
- (2) Increasing the limit on the Comptroller's settlement authority for tort claims from \$10,000 to \$25,000;
- (3) Removing the requirement that the maximum amounts that may be paid from the state risk management revolving fund be linked to the United States Department of Labor Consumer Price Index for All Urban Consumers for Honolulu;
- (4) Changing its effective date to July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 356, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 356, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1366 Government Operations on H.B. No. 351

The purpose and intent of this measure is to amend the membership of the State Capitol Management Committee and Hawaii Interagency Council for Transit-Oriented Development by replacing the Governor's Chief of Staff with the Administrative Director of the State.

Your Committee did not receive testimony on this measure.

Your Committee finds that the Administrative Director of the State coordinates essential business and discussions between the State and various industries and serves as the lead liaison between the Governor's office and various state agencies and is therefore the appropriate member of the Governor's staff to serve on the State Capitol Management Committee and Hawaii Interagency Council for Transit-Oriented Development. This measure therefore amends the membership of the State Capitol Management Committee and Hawaii Interagency Council for Transit-Oriented Development by replacing the Governor's Chief of Staff with the Administrative Director of the State.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 351, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1367 Government Operations on H.B. No. 901

The purpose and intent of this measure is to reduce the burden on state and county agencies to produce paper copies of reports and ensure that the state publications distribution center receives the report in an electronic format.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Accounting and General Services; Department of Taxation; Department of Education; Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Office of Information Practices; Hawaii State Public Library System; University of Hawaii System; Office of Enterprise Technology Services; and Hawaii Health Systems Corporation.

Your Committee finds that due to changes in technology and how the public accesses information, demand for reports produced by state and county agencies in paper form has decreased. This measure will reduce the number of government publication paper copies deposited with the State Publications Distribution Center, which will make it easier for the State Publications Distribution Center to manage the inventory of reports and provide better access to the public.

Your Committee has amended this measure by clarifying the number of paper and electronic copies of reports that must be deposited with the State Publications Distribution Center and University of Hawaii.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 901, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 901, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1368 Human Services on S.C.R. No. 201

The purpose and intent of this measure is to urge the Department of Human Services to create a Compact of Free Association Advisory Board to make recommendations on different aspects of health care coverage for Compact of Free Association residents.

Your Committee received testimony in support of this measure from the Department of Human Services, Filipina Advocacy Network, Save Medicaid Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Kokua Kalihi Valley, and six individuals.

Your Committee finds that individuals who have immigrated to Hawaii from the independent nations of the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau are referred to as the Compact of Free Association (COFA) residents, face the usual prejudices but additionally face special challenges due to their unique immigration status. COFA residents' immigration status excludes them from receiving essential benefits enjoyed by United States citizens and legal permanent residents, and there have also been public debates about the allocation of equitable resources for education, housing, employment, and health care for COFA residents. Such inequity is contrary to the values of care and aloha of the Native Hawaiian culture, which has historically embraced newcomers. Your Committee recognizes the unique circumstances COFA residents face while navigating their way through systems of care that can struggle to meet their needs, particularly in the areas of health insurance and health care. Therefore, establishing an advisory board to recommend the best approach for providing parity in state-funded health coverage for otherwise eligible COFA residents will ensure that equitable health care is available for all of Hawaii's residents.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 201 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

### SCRep. 1369 Human Services on S.R. No. 161

The purpose and intent of this measure is to urge the Department of Human Services to create a Compact of Free Association Advisory Board to make recommendations on different aspects of health care coverage for Compact of Free Association residents.

Your Committee received testimony in support of this measure from the Department of Human Services and three individuals.

Your Committee finds that individuals who have immigrated to Hawaii from the independent nations of the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau are referred to as the Compact of Free Association (COFA) residents, face the usual prejudices but additionally face special challenges due to their unique immigration status. COFA residents' immigration status excludes them from receiving essential benefits enjoyed by United States citizens and legal permanent residents, and there have also been public debates about the allocation of equitable resources for education, housing, employment, and health care for COFA residents. Such inequity is contrary to the values of care and aloha of the Native Hawaiian culture, which has historically embraced newcomers. Your Committee recognizes the unique circumstances COFA residents face while navigating their way through systems of care that can struggle to meet their needs, particularly in the areas of health insurance and health care. Therefore, establishing an advisory board to recommend the best approach for providing parity in state-funded health coverage for otherwise eligible COFA residents will ensure that equitable health care is available for all of Hawaii's residents.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 161 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

#### SCRep. 1370 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 159

The purpose and intent of this measure is to increase the penalties for certain drug- and gambling-related offenses in order to deter property owners from allowing those illegal activities on their properties.

Your Committee received testimony in support of this measure from the City and County of Honolulu Police Department and Maui Police Department.

Your Committee finds that a number of property owners, many of whom own multiple properties in the State, are allowing their tenants to conduct illegal activities on their properties, including drug- and gambling-related activity. Your Committee further finds that increasing penalties for landowners who allow tenants and others to conduct illegal activity on the landowners' property can help deter crime

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 159, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1371 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 213

The purpose and intent of this measure is to authorize a property owner or agent to enter vacant, adjacent, or private property to control albizia trees to prevent or address hazardous conditions, subject to certain conditions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Mayor of the County of Hawai'i, Hawaiian Electric Companies, Big Island Invasive Species Committee, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that due to albizia trees' height of up to two hundred fifty feet and brittle branches, these trees pose a threat not only to properties on which they are rooted but also to adjacent properties where branches and other debris may fall during high winds. This invasive species can be hazardous to residents, travelers, first responders, and anyone in the vicinity of its brittle limbs. Your Committee further finds that the ability of landowners to control albizia trees on adjacent properties may decrease health and safety risks associated with these trees.

Your Committee requests that your Committee on Judiciary consider the testimony of the Department of Land and Natural Resources that liability for injuries incurred from tree removal may need to be addressed and the testimony of the Mayor of the County of Hawaii that the term "control" should be clarified to indicate that controlling albizia trees means the felling and removal of albizia trees, not merely tree trimming.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 213, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1372 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 329

The purpose and intent of this measure is to:

- (1) Amend the Kauai flooding disaster relief appropriation made in Act 12, Session Laws of Hawaii 2018, to include flood mitigation measures;
- (2) Extend the lapse date of the appropriation to June 30, 2020; and
- (3) Exempt the appropriation from certain restrictions on transfers of or changes to appropriations.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency; Department of Transportation; Department of Land and Natural Resources; City and County of Honolulu Department of Emergency Management; County of Kaua'i Office of the Mayor; United Public Workers, AFSCME, Local 646, AFL-CIO; and two individuals.

Your Committee finds that Kauai experienced torrential rains and flooding that resulted in significant damage to the island in April 2018. Additionally, the Department of Land and Natural Resources sustained substantial damage to its facilities on Kauai from these flooding events. Your Committee further finds that the devastation from the floods is ongoing and that there is a clear and present need for an extension to the appropriation. Your Committee also finds that this measure includes a provision for mitigation measures that is expected to enhance the effective use of the relief resources to achieve the appropriation's intent and help reduce harm from future flooding events.

Your Committee has amended this measure by adopting language offered by the City and County of Honolulu Department of Emergency Management to similarly amend another appropriation included in Act 12, Session Laws of Hawaii 2018, for flooding disaster relief in areas of the State other than the County of Kauai, to include flood mitigation measures, extend the lapse date to June 30, 2020, and exempt the appropriation from certain restrictions on transfers of or changes to appropriations.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 329, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 329, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1373 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 378

The purpose and intent of this measure is to establish a stable and dedicated funding source for repatriation and burial costs for Filipino-American World War II veterans by appropriating funds to the Office of Veterans Services for the provision of burial grants for Filipino-American World War II veterans; provided that:

- (1) Federal funds remain unavailable;
- (2) There remain eligible Filipino-American World War II veterans living in the State; and
- (3) Funds appropriated and unencumbered as of June 30, 2021, shall not lapse to the credit of the general fund but shall remain available for the purposes of this measure.

Your Committee received testimony in support of this measure from the Office of Veterans Services, Hawai'i Civil Rights Commission, Prince Kūhiō Hawaii Civic Club, University of Hawai'i Pamantasan Council, Filipina Advocacy Network, and two individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that over one-quarter million Filipino and Filipino-American soldiers fought under the command of the United States during World War II. Many of these Filipino-American World War II veterans were promised full veterans benefits, including burial benefits, by the United States government that were not always honored. Through this measure, the State can honor Filipino-American World War II veterans in Hawaii.

Your Committee further finds that assisting Filipino-American veterans of World War II still living in the State with prospective funeral and burial costs, including the cost of returning their remains to the Philippines if they so desire, would demonstrate the State's appreciation and proper respect for their service.

Your Committee has amended this measure by:

- (1) Establishing the Filipino-American World War II veterans burial assistance special fund to provide a stable source of funding that does not lapse annually;
- (2) Appropriating funds into and out of the Filipino-American World War II veterans burial assistance special fund for the purposes of this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 378, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 378, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1374 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 601

The purpose and intent of this measure is to repeal the requirement that disabled veterans must receive disability retirement pay from the Armed Forces to be exempt from payment of annual motor vehicle registration fees.

Your Committee received testimony in support of this measure from the Office of Veterans Services, Department of Transportation, and three individuals.

Your Committee finds that almost four thousand veterans, who are rated by the United States Department of Veteran Affairs as one hundred percent disabled, reside in Hawaii. Your Committee further finds that disabled veterans have made sacrifices to serve the community and the country and should be appreciated for their service whether or not they receive disability retirement pay from the Armed Forces.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 601, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1375 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 878

The purpose and intent of this measure is to exempt from jury duty any active member of the Hawaii Emergency Management Agency or any county emergency management agency.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, City and County of Honolulu Department of Emergency Management, County of Kaua'i Emergency Management Agency, County of Maui Emergency Management Agency, and two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that due to the critical roles that physicians, members of the armed forces, police, firefighters, and emergency medical service members play in ensuring the safety of the public in emergency situations, those individuals are currently exempt from jury duty pursuant to section 612-6, Hawaii Revised Statutes. Your Committee also finds that, pursuant to chapter 127A, Hawaii Revised Statutes, the Hawaii Emergency Management Agency and the county emergency management agencies serve essential,

critical, and unique roles and functions in providing emergency management services in the State. Your Committee further finds that it is important to eliminate any hindrances, including jury duty, that active members of those agencies may face in serving in their essential roles.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 878, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1376 Judiciary on H.B. No. 1043

The purpose and intent of this measure is to:

- (1) Replace the tax boards of review with a single tax appeal review panel comprised of members who shall devote full time to their duties; and
- (2) Amend the grounds upon which an appeal to the administrative appeals and dispute resolution program may be made by disallowing appeals of proposed assessments.

Your Committee received testimony in support of this measure from the Department of Taxation and one individual. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the system of tax boards of review is impractical due to the difficulty of recruiting a sufficient pool of qualified members. Your Committee further finds that a significant number of tax appeals have been unable to be heard or have been substantially delayed due to the boards' inability to constitute quorum. This measure will replace the tax boards of review system with a single tax appeal review panel comprised of members serving on a full-time basis who are empowered to hear and decide cases individually.

Your Committee has amended this measure by:

- (1) Increasing the term of tax appeal review panel members from two years to five years;
- (2) Authorizing the tax appeal review panel to determine or declare an assessment illegal or void;
- (3) Restoring language requiring the assessor to prepare notices of appeal upon request of the taxpayer;
- (4) Allowing any person who has already filed an appeal with a board of review to choose to either continue their appeal with the board of review or withdraw and re-file their appeal with the tax appeal review panel until January 1, 2021, at which point all remaining appeals before a board of review automatically transfer to the tax appeal review panel; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1043, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1043, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1377 Judiciary on H.B. No. 1248

The purpose and intent of this measure is to:

- (1) Enact voting by mail uniformly across all counties for all elections commencing in 2020;
- (2) Appropriate funds for the implementation of the election by mail program; and
- (3) Require the Office of Elections to submit a report to the Legislature regarding the implementation of a vote by mail system.

Your Committee received testimony in support of this measure from the Office of Elections; Disability and Communication Access Board; Maui County Clerk; Hawai'i County Clerk; League of Women Voters of Hawaii; Planned Parenthood Votes Northwest and Hawaii, Common Cause Hawaii; We Are One, Inc.; Hawaii Advocates for Consumer Rights; Hawaii Women's Coalition; and six individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that increasing numbers of Hawaii voters are submitting votes by mail and are choosing to vote early. Your Committee further finds that a single, unified vote-by-mail system will reduce the logistical costs of conducting elections. This measure will allow the State to transition to a system that primarily utilizes voting by mail, which will increase the efficiency and accuracy of vote tabulation.

Your Committee has amended this measure by:

- (1) Requiring all elections statewide to be conducted by mail beginning with the 2022 primary election;
- (2) Clarifying that returned ballots may be enclosed in either a secrecy envelope or a secrecy sleeve;
- (3) Requiring that ballots be mailed to voters so that voters receive them approximately eighteen days before an election;
- (4) Specifying that the return identification envelope with a voter's ballot must be received at the office of the clerk by the closing time provided in section 11-131, Hawaii Revised Statutes, if a voter chooses to mail their ballot back;

- (5) Changing the time of closure of voting from 7:00 p.m. to 6:00 p.m. at voter service centers and places of deposit and clarifying that any voter who is in line at a voter service center or place of deposit by that time shall be allowed to vote;
- (6) Requiring that initial tabulation of ballots be completed no later than 6:00 a.m. on the day following an election day;
- (7) Requiring the clerk not to comingle ballots when the validity of certain ballots cannot be verified upon receipt and to take reasonable steps to confirm the validity of such ballots within seven days following an election day;
- (8) Clarifying that only ballots that have been verified by the clerk at the time the initial tabulation is complete may be included in any initial recount, and that all other recounts shall be as provided by law;
- (9) Prohibiting any election result from being certified unless all ballots verified by the clerk within seven days following an election have been added to the final tabulation;
- (10) Requiring places of deposit to open five business days before an election;
- (11) Specifying the amount of appropriations to be disbursed to the counties in the form of grants as \$987,127;
- (12) Making clarifying and conforming amendments to sections of the absentee voting law to account for all mail-in voting; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1248, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1248, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1378 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 990

The purpose and intent of this measure is to clarify that the Department of Defense may continue its community involvement by lending out its facilities to certain entities without incurring a loss to its operating budget and depositing all net proceeds collected to the general fund, with required amounts returned to the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Department of Defense.

Your Committee finds that the rental monies collected from lending out the Department of Defense's facilities are intended to cover costs that directly relate to the use of those facilities. These costs include but are not limited to water, sewer, electricity, cleaning, supplies, repair and maintenance, and related staff positions to coordinate the use of and access to the rented facilities. Under existing law, all monies received from these rentals are required to be deposited into the general fund of the State and certain amounts returned to the Office of Hawaiian Affairs.

Your Committee further finds that the Department of Defense has been using its operating funds to cover the costs associated with the renting out of its facilities. This measure would allow the Department of Defense to retain and use a portion of the revenues collected from renting out its facilities, rather than use the Department's operating funds, to meet the associated costs of renting out the Department of Defense's facilities.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 990, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1379 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1180

The purpose and intent of this measure is to appropriate funds to the County of Hawaii for disaster relief, recovery, mitigation, and remediation activities related to the Kilauea eruption, and to require the county to report monthly expenditures to the Department of Budget and Finance.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Department of Agriculture, County of Hawaii Department of Research and Development, two members of the Hawaii County Council, Hawaiian Electric Companies, Orchids Paradise LLC, Hedonisia Hawaii Sustainable Community, IMUA Lower Puna, HOPE Services Hawaiii, Hawaii Farm Bureau, Maui County Farm Bureau, Kohala Coast Resort Association, Habitat for Humanity Hawaii Island, Hawaii Island HIV/AIDS Foundation, fourteen individuals, and a petition signed by a few thousand individuals. Your Committee received comments on this measure through a petition signed by numerous individuals.

Your Committee finds that unprecedented volcanic eruptions occurred on the island of Hawaii from May 3, 2018, to August 14, 2018, and destroyed hundreds of homes, communities, businesses, farms, schools, cultural sites, water systems, the electrical grid, and roadways. Your Committee further finds that the Kilauea eruptions necessitated the deployment of several state and local emergency personnel at the time of the eruptions and continued support is needed for long-term recovery and hazard mitigation efforts.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1180, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1380 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1305

The purpose and intent of this measure is to ensure that in times of emergencies or disasters where assistance may be necessary to restore critical electrical and natural gas infrastructure, the State and electrical and natural gas utilities would be lawfully allowed to enter into a mutual assistance agreement with an out-of-state utility to assist in the restoration of electrical and natural gas power.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaiian Electric Companies, Hawaii Gas, and Land Use Research Foundation of Hawaii.

Your Committee finds that whenever an emergency or disaster causes overwhelming damage to the electrical grid or utility gas infrastructure on which Hawaii depends, there is an immediate need to restore the electric grid and utilities. Your Committee also finds that powerful storms are increasing in frequency due to the effects of global climate change. Your Committee further finds that mutual assistance agreements are an important mechanism that can improve the resilience of Hawaii's regulated energy infrastructure and expedite the restoration of utility service to customers in the event of a disaster that disrupts the State's energy infrastructure.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1305, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1381 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 460

The purpose and intent of this measure is to:

- Prohibit a county from accepting a discounted payment of a fine levied by the county planning and permitting department or agency; and
- (2) Require the State Auditor to conduct an annual audit of the fines assessed and collected by the counties.

Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting. Your Committee received comments on this measure from the Office of the Auditor and County of Maui Department of Planning.

Your Committee finds that it is in the interests of the State that the several counties collect the full amount of fines owed to the respective county's planning and permitting department or agency. Your Committee further finds that the several counties should be audited annually by the State Auditor to ensure that the full amount of fines assessed by a county are also collected by the respective county.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 460, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

# SCRep. 1382 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 993

The purpose and intent of this measure is to improve and enhance the effectiveness of the State's emergency management program through modifications and additions to chapter 127A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Defense, Hawaii Emergency Management Agency, and Department of Transportation.

Your Committee finds that, in 2018, the State experienced challenges in sustaining or executing the state emergency management program. Such challenges included the false missile alert notification in January, flooding on Kauai and Oahu in April, unprecedented Kilauea eruptions on Hawaii island in May, and statewide impacts from Tropical Storms Lane and Olivia in August and September, respectively.

Your Committee further finds that as a result of the 2018 challenges, the Hawaii Emergency Management Agency has undergone a leadership change and has created a plan to rebuild morale within the organization, public confidence, and strengthen partnerships with public and private sector stakeholders. Multiple areas in chapter 127A, Hawaii Revised Statutes, have been identified for amendment through this measure to improve and strengthen the State's emergency management program.

Your Committee has amended this measure by:

- (1) Making technical amendments proposed by the Hawaii Emergency Management Agency; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 993, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 993, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

# SCRep. 1383 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 720

The purpose and intent of this measure is to strengthen the system of firearm reporting in the State by requiring firearm owners to report lost, stolen, or destroyed firearms.

Your Committee received testimony in support of this measure from the City and County of Honolulu Police Department, County of Hawai'i Office of the Mayor, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Firearms Coalition, National Rifle Association of America, Ho'omanapono Political Action Committee, Institute for Rational and Evidence-based Legislation, and twenty-nine individuals.

Your Committee finds that the State requires the permitting and registration of firearms for public safety reasons. Your Committee further finds that existing law does not adequately address the reporting of lost, stolen, or destroyed firearms, and that law enforcement officers should have an accurate record of lost, stolen, or destroyed firearms to protect the public and themselves.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 720, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

### SCRep. 1384 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1195

The purpose and intent of this measure is to:

- (1) Authorize the Department of Budget and Finance to provide interest-free loans to federal workers who have been affected by the federal shutdown furlough to cover current mortgage or rent payments; and
- (2) Make an emergency appropriation to provide the funding for the loans.

Your Committee received testimony in support of this measure from Rainbow Family 808 and one individual. Your Committee received testimony in opposition to this measure from six individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the federal shutdown furlough adversely affected more than 2,500 Hawaii residents. These federal employees were either furloughed (not working) or excepted (working without pay). Due to the federal shutdown furlough, some of these affected federal employees have had to seek out other methods of financing to make ends meet, such as borrowing from friends or financial institutions or getting a second job. While some affected federal employees are eligible for unemployment compensation, others are not and benefits may not be enough to cover their current expenses such as mortgage or rent payments.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1195, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

# SCRep. 1385 Energy, Economic Development, and Tourism on H.B. No. 556

The purpose and intent of this measure is to require the Department of Business, Economic Development, and Tourism to adopt state appliance efficiency standards to protect consumers.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Honolulu Board of Water Supply; Office of Climate Change, Sustainability, and Resiliency of the City and County of Honolulu; Consumer Federation of America; Natural Resources Defense Council; California Energy Commission; Hawaii Reef and Ocean Coalition; Elemental Excelerator; 350Hawaii; Young Democrats of Hawaii; Sierra Club of Hawaii; Blue Planet Foundation; Ulupono Initiative; Organizing for Action; Hawaii Energy; and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Association of Home Appliance Manufacturers; ITI; Plumbing Manufacturers International; Retail Merchants of Hawaii; and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Public Utilities Commission; and Consumer Technology Association.

Your Committee finds that the high cost of living in Hawaii adds to the importance of adopting policies that promote and encourage energy efficiency, which can provide relief for families and businesses faced with high utility bills. Without state appliance efficiency standards to provide consumer protection, appliance manufacturers may unload less efficient appliances in Hawaii that they cannot sell in other states with heightened standards and as a result, Hawaii residents risk losing as much as \$1,000,000,000 in unnecessary energy waste due to inefficient appliances. This measure establishes much needed appliance efficiency standards to protect consumers against less efficient appliances, lower residents' electricity bills, reduce carbon emissions, and help the State reach its clean energy goals.

Your Committee has amended this measure by:

- (1) Amending the definitions of "computer" and "computer monitor" to match the definitions in the California Code of Regulations;
- (2) Establishing, instead of directing the Director of Business, Economic Development, and Tourism (Director) to adopt rules to establish, minimum appliance efficiency standards, and authorizing the Director to adopt rules to enforce the standards;
- (3) Amending the appliance efficiency standards to meet the same requirements set forth in the California Code of Regulations, as amended:

- (4) Removing the Director's authority to establish standards for products other than the products specifically listed in this measure:
- (5) Amending the new section regarding testing, certification, labeling, and enforcement by requiring manufacturers to test, certify, and label products meeting the standards set forth in this measure and allowing manufacturers to use programs in other states and federal agencies with similar standards to comply with this measure;
- (6) Adding to the Public Benefits Fee Administrator's duties and responsibilities the education and training of appliance manufacturers, distributors, and retailers about the appliance efficiency standards; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 556, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 556, H.D. 1, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

#### SCRep. 1386 Energy, Economic Development, and Tourism on H.B. No. 1497

The purpose and intent of this measure is to:

- (1) Establish the Stadium Development District comprising all state land under the Stadium Authority's jurisdiction;
- Authorize the Hawaii Community Development Authority to facilitate the development of all state property within the district, including building a new stadium;
- (3) Authorize the issuance of revenue bonds and general obligation bonds; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Stadium Authority, Hawaii Community Development Authority, University of Hawaii System, Department of Planning and Permitting of the City and County of Honolulu, General Contractors Association of Hawaii, Chamber of Commerce Hawaii, and Building Industry Association of Hawaii. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Aloha Stadium and the surrounding area are in need of redevelopment and renovation. This measure establishes the Stadium Development District and authorizes the Hawaii Community Development Authority to facilitate the development of all state property within the district, which will result in suitable recreational, residential, educational, and commercial areas where the public can live, work, recreate, attend school, and shop as part of a thoughtfully integrated experience.

Your Committee has amended this measure by:

- (1) Revising the development guidance policy regarding endangered species to compel the preservation of endangered species as required by state and federal law; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1497, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1497, H.D. 3, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1387 Energy, Economic Development, and Tourism on H.B. No. 1563

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of this measure from the Hawaii Technology Development Corporation, Natural Energy Laboratory of Hawaii Authority, XLR8UH, and Blue Startups. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism and Hawaii Strategic Development Corporation.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Business, Economic Development, and Tourism to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Deleting all program appropriations and associated provisos;
- (2) Adding appropriations from S.B. No. 989, S.D. 2 (Regular Session of 2019), for various programs of the Department of Business, Economic Development, and Tourism;
- (3) Adding a proviso for BED100, relating to establishment of an office in Guangzhou, China; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1563, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1563, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1388 (Joint) Higher Education and Energy, Economic Development, and Tourism on H.B. No. 1584

The purpose and intent of this measure is to appropriate funds to the University of Hawaii to conduct a comprehensive study of a statewide carbon tax.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai'i System, Ulupono Initiative, Healthy Climate Communities, Elemental Excelerator, Environmental Caucus of the Democratic Party of Hawai'i, Pono Hawai'i Initiative, Young Progressives Demanding Action, Hawaii Appleseed Center for Law and Economic Justice, IMUAlliance, Sierra Club of Hawai'i, Blue Planet Foundation, Hawaii Petroleum Marketers Association, Young Democrats of Hawaii, Organizing for Action, and seventeen individuals. Your Committees received comments on this measure from the Office of Planning and Tax Foundation of Hawaii.

Your Committees find that pricing carbon emissions via a tax on fossil fuels has emerged as a broadly supported, economically efficient, and effective policy tool to reduce emissions. However, if not designed correctly, a carbon tax could disproportionately impact low- to moderate-income residents. Therefore, it is necessary to consider ways to implement a carbon tax that offsets its regressive nature. This measure would help policymakers better understand the opportunities, impacts, and options that a carbon price policy could bring to Hawaii in reaching the State's ambitious carbon reduction goals.

Your Committees have amended this measure by:

- (1) Requiring and appropriating funds for the Office of Planning, rather than the University of Hawaii, to conduct a study and submit reports to the Legislature regarding the implementation of a statewide carbon tax; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1584, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1584, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Kidani). Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

## SCRep. 1389 (Joint) Agriculture and Environment and Higher Education on H.B. No. 551

The purpose and intent of this measure is to extend the lapse date for funds appropriated to the:

- (1) University of Hawaii to conduct a comprehensive statewide study of sewage contamination in nearshore marine areas; and
- (2) Department of Health to conduct research or gather technical assistance relating to the cesspool conversion working group's comprehensive cesspool conversion plan.

Your Committees received testimony in support of this measure from the Department of Health, University of Hawai'i System, County of Hawai'i Department of Environmental Management, one member of the Maui County Council, One World One Water, Coral Reef Alliance, Sierra Club of Hawai'i, and six individuals.

Your Committees find that cesspools pose significant threats to many areas throughout the islands by putting tens of millions of gallons of raw sewage into the environment each day, often contaminating groundwater and sometimes drinking water. Cesspools present health risks to residents and visitors who swim in contaminated waters and can cause significant harm to streams and nearshore ecosystems, including damage to fragile coral reefs.

Your Committees further find that extending the lapse date of appropriated funds gives the University of Hawaii Water Resources Research Center and the cesspool conversion working group, within the Department of Health, the additional time they need to conduct a comprehensive state study of sewage contamination in nearshore marine areas, and fund research and technical support contracts, respectively.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 551, and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

## SCRep. 1390 (Joint) Commerce, Consumer Protection, and Health and Human Services on H.B. No. 468

The purpose and intent of this measure is to appropriate funds for the healthy aging partnership program to ensure the program's continued role in improving the health and well-being of Hawaii's kupuna.

Your Committees received testimony in support of this measure from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, Maui County Office on Aging, International Longshore and Warehouse Union Local 142, Hawaii Chapter of the American Physical Therapy Association, Zonta Club of Hilo, Hawaii Family Caregiver Coalition, and over one hundred sixty individuals.

Your Committees find that the healthy aging partnership program has adapted evidence-based health promotion and disease prevention programs to empower participants to make healthy decisions and engage in healthier lifestyles. Your Committees further find that funding the healthy aging partnership program is an important step toward meeting the first goal of the Hawaii State Plan on Aging and ensuring that the State will not lose a valuable program that maximizes opportunities for older adults to age well, remain active, and enjoy life in their communities.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$605,000; and
- (2) Amending the effective date to July 1, 2019.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 468, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 468, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Nishihara, Fevella).

Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1391 Technology on H.B. No. 531

The purpose and intent of this measure is to require the Chief Information Officer of the Office of Enterprise Technology Services to update the State Information Technology Strategic Plan every four years and submit the updated plan to the Governor and Legislature.

Your Committee received testimony in support of this measure from the Department of Education, Office of Enterprise Technology Services, Transform Hawai'i Government, and one individual.

Your Committee finds that periodic updates to the State Information Technology Strategic Plan are vital to keeping abreast with ever-evolving technology and to fully maximizing available modern resources to increase effectiveness, efficiency, and transparency in state government. This measure requires such an update to occur every four years.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 531, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

## SCRep. 1392 (Joint) Water and Land and Housing on H.B. No. 439

The purpose and intent of this measure is to exempt from the definition of "public lands", lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC) for the primary purpose of developing affordable housing.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Chamber of Commerce Hawaii, Land Use Research Foundation of Hawaii, and Building Industry Association of Hawaii. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs and one individual. Your Committees received comments on this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaiii.

Your Committees find that the State is experiencing a severe shortage of affordable housing. Your Committees further find that under existing law, only lands to which the HHFDC holds title are exempted from the definition of "public lands", which does not take into consideration other forms of lands that the HHFDC is developing. This measure would expand the exemption to include lands that the Governor has set aside to the HHFDC for the primary purpose of developing affordable housing, thereby expediting the development of housing on public lands.

Your Committees have amended this measure by:

- (1) Inserting language to require lands that are set aside to the HHFDC by the Governor for the primary purpose of developing affordable housing to be subject to legislative approval prior to any sale or transfer by gift; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 439, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 439, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1393 Commerce, Consumer Protection, and Health on H.B. No. 467

The purpose and intent of this measure is to:

- (1) Require the Executive Office on Aging to take certain actions regarding the kupuna caregivers program, including reporting on detailed outcomes, developing a plan to maximize program participation, and adopting rules;
- (2) Change the kupuna caregivers program allocation cap from \$70 per day to an unspecified amount and limit the daily benefit to one day a week;
- (3) Include additional services to be provided by the kupuna caregivers program; and
- (4) Appropriate funds for the continued implementation of the kupuna caregivers program.

Your Committee received testimony in support of this measure from the Executive Office on Aging; Maui County Office on Aging; one councilmember of the Hawai'i County Council; Hawaii Women's Coalition; Hawaii Section of the American College of Obstetricians and Gynecologists; Hawaii Psychological Association; United Public Workers, AFSCME, Local 646, AFL-CIO; International Longshore and Warehouse Union Local 142; Zonta Club of Hilo; Hawaii Family Caregiver Coalition; Church of the Crossroads; Lanakila Meals on Wheels; and three individuals. Your Committee received comments on this measure from the Hawaii's State Commission on the Status of Women, Policy Advisory Board for Elder Affairs, Faith Action for Community Equity, Caring Across Generations, Catholic Charities Hawai'i, Hawaii'i Public Health Association, Chinatown Gateway Plaza Tenant Association, Mental Health America of Hawai'i, Hawaii Appleseed Center for Law and Economic Justice, AARP Hawaii, and twenty-one individuals.

Your Committee finds that when an elderly family member needs daytime care, family caregivers often find it difficult to meet those needs and remain fully employed. Family caregivers perform not only a family service but also a social service, by relieving the State of the burden and cost of elder care. Your Committee further finds that the efforts of these caregivers should not be made at the expense of their own loss of financial stability, which puts caregivers at risk of financial insecurity in the future. In recognition of the high costs caregivers face in terms of lost income and career advancement, the Legislature established the kupuna caregivers program in 2017, which provides caregivers with additional resources to cover care and support services for elderly family members, so that caregivers can stay in the workforce. This measure appropriates funds to ensure that the kupuna caregivers program can continue to provide support to Hawaii's caregivers.

Your Committee has amended this measure by:

- Removing language that would have required the Executive Office on Aging to take certain actions regarding the kupuna caregivers program, including reporting on detailed outcomes, developing a plan to maximize program participation, and adopting rules;
- (2) Changing the program allocation cap from an unspecified amount to \$350 a week and deleting language that would have limited the daily benefit to one day a week;
- (3) Removing the addition of "activities of daily living" from the kupuna caregivers provided services, as this is a term used to refer to people's self-care activities, and not a service that can be provided;
- (4) Inserting an appropriation amount of \$2,000,000 for each year of the 2019-2021 fiscal biennium;
- (5) Inserting an effective date of July 1, 2019; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 467, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 467, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

## SCRep. 1394 Commerce, Consumer Protection, and Health on H.B. No. 678

The purpose and intent of this measure is to update terminology related to the state newborn hearing screening program and improve follow-up rates for infants identified as deaf or hard of hearing by mandating that newborn diagnostic audiologic evaluation results be reported to the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health, Disability and Communication Access Board, Executive Office on Early Learning, and one individual.

Your Committee finds that the incidence of infants who are born deaf or hard of hearing in Hawaii is about twice the incidence in other states. While most newborns in the State receive newborn hearing screening evaluations, the Department of Health is routinely unable to access infant hearing screening diagnostic audiologic evaluation results and therefore cannot conduct timely follow up with families of deaf or hard of hearing infants. This can result in delayed entry into much-needed early intervention services, which are critical for deaf or hard of hearing children to develop language and social skills and increase school readiness. By requiring that diagnostic audiologic evaluations be reported to the Department of Health, this measure ensures the Department of Health has the information it needs to conduct timely follow-ups with families of deaf or hard of hearing newborns.

Your Committee has amended this measure by:

- (1) Clarifying that the definition of "audiologist" means a professional licensed pursuant to chapter 468E, Hawaii Revised Statutes:
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 678, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 678, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1395 Commerce, Consumer Protection, and Health on H.B. No. 704

The purpose and intent of this measure is to prohibit manufacturers from importing or selling any cosmetic product tested on animals, on or after January 1, 2021, with certain exceptions.

Your Committee received testimony in support of this measure from the Humane Society of the United States, Cruelty Free International, Animal Rights Hawai'i, West Hawaii Humane Society, Down to Earth Organic and Natural, and eight individuals. Your Committee received testimony in opposition to this measure from the Personal Care Products Council. Your Committee received comments on this measure from Retail Merchants of Hawaii.

Your Committee finds that testing cosmetics on animals is cruel and increasingly unnecessary, as there are now thousands of cosmetic ingredients whose effects have already been tested and compiled. Your Committee further finds that alternatives to animal testing are available, some of which provide better predictors of adverse human reactions to new chemical compounds than animal testing. Your Committee notes that the prohibition on the sale of cosmetics tested on animals included in this measure is not unique, as similar prohibitions have already been adopted by California and the European Union.

Your Committee has amended this measure by:

- (1) Clarifying that manufacturers may continue to use non-cosmetic animal testing data; provided that the test data was compiled prior to the effective date of this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 704, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 704, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 1396 (Majority) Commerce, Consumer Protection, and Health on H.B. No. 838

The purpose and intent of this measure is to exempt an eleemosynary organization that meets certain conditions from licensure and other requirements of a contractor.

Your Committee received testimony in support of this measure from the Malama Kai Foundation, Ocean Tourism Coalition, Trilogy Excursions, Calypso Charters, Malolo Charters, Alii Nui Charters, PacWhale Eco Adventures, The Blue Aina Campaign, and four individuals. Your Committee received testimony in opposition to this measure from the Contractors License Board; Chamber of Commerce Hawaii; Building Industry Association of Hawaii; and Plumbers and Fitters United Association, Local 675. Your Committee received comments on this measure from Captain Andy's Sailing, Inc.

Your Committee finds that, currently, a Hawaii-based non-profit organization is responsible for the installation and maintenance of the State's day use mooring buoy systems for over two hundred public buoys, and has had this responsibility since 1991. Financial resources to install and maintain the mooring systems have been raised primarily through grants and donations, with relatively small funding from the State. Day use mooring buoys are the most effective means to prevent anchor damage to coral reefs. However, more buoys are needed in high-use areas where boats continue to drop anchor and a single non-profit organization does not have the resources, capacity, or responsibility to do this alone.

According to testimony received by your Committee, the definition of "contractor" is not appropriate for the type of work required for day use mooring buoy installation and maintenance. This measure will enable the Department of Land and Natural Resources to contract with a non-profit entity to install and maintain the State's day use mooring systems without going through the very expensive and time-consuming procurement process. This type of private-public partnership ensures the State will receive high-quality, specialized services to protect coral reefs and provides public access to ocean resources.

Your Committee has considered the testimony expressing concerns that this measure may apply more broadly than intended. It is your Committee's understanding that this measure is intended to narrowly apply only to mooring systems.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that an eleemosynary organization that intends to engage in a public works project or operation involving the installation or maintenance of a mooring system for vessels under one hundred gross tons is exempt from contractor licensure, under certain conditions; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 838, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 838, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, 1 (Fevella). Excused, 2 (Keohokalole, Thielen).

#### SCRep. 1397 Commerce, Consumer Protection, and Health on H.B. No. 1319

The purpose and intent of this measure is to authorize special purpose revenue bonds for Hawaiian Electric Company, Inc. and its subsidiaries, Maui Electric Company and Hawaii Electric Light Company, for multi-project capital improvement programs.

Your Committee received testimony in support of this measure from Hawaiian Electric Company, Inc. and Ulupono Initiative. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Hawaii's energy issues are becoming increasingly complex and challenging. The electric utility companies for the City and County of Honolulu and the Counties of Maui and Hawaii are slowly transforming their business operations toward more renewable energy production, energy storage, and clean transportation. For this transition to occur, they will require access to low-cost financing. Special purpose revenue bonds can provide lower cost capital, and the renewable and clean investments can save ratepayers money in the long term. This measure will help finance multi-project capital improvement programs for the local furnishing of electric energy to the City and County of Honolulu and the Counties of Maui and Hawaii.

Your Committee has amended this measure by:

- (1) Inserting a total special purpose revenue bond issuance amount of \$700,000,000, including:
  - (A) Up to \$400,000,000 for Hawaiian Electric Company, Inc.;
  - (B) Up to \$150,000,000 for Maui Electric Company, Limited; and
  - (C) Up to \$150,000,000 for Hawaiian Electric Light Company, Inc.; and
- (2) Inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1319, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1319, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

# SCRep. 1398 Commerce, Consumer Protection, and Health on H.B. No. 1468

The purpose and intent of this measure is to appropriate funds for operating expenses relating to the school-based health center at Nanakuli High and Intermediate School, including the hiring of an advanced practice registered nurse and for various infrastructure improvements.

Your Committee received testimony in support of this measure from the Department of Education Complex Area Superintendent of Nanakuli-Waianae, Waianae Coast Comprehensive Health Center, Wai'anae High School, Nanakuli High and Intermediate School, Hawai'i Primary Care Association, Honolulu County Republican Party, and seven individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that school-based health centers are of particular importance and can improve access to comprehensive adolescent health care services, especially for those who would otherwise not seek care, or have their health conditions contribute to high absenteeism rates. Your Committee further finds that the Waianae Coast Comprehensive Health Center has operated two school-based health centers since 2016 and has already served 2,795 students over the course of 6,620 visits. Your Committee notes the behavioral health assessments conducted by Waianae Coast Comprehensive Health Center demonstrate significant behavioral health needs: thirteen percent of students seen at the health center have attempted suicide, substance abuse rates are high, and depression and anxiety are common. Your Committee finds that this measure will continue to support the Waianae Coast Comprehensive Health Center by providing much needed access to comprehensive health care, including behavioral health services for adolescents who might not otherwise receive timely access to care.

Your Committee acknowledges the concerns of the Attorney General and recommends passage of this measure for further consideration by your Committee on Ways and Means but anticipates that your Committee on Ways and Means will subsume this measure into the budget, as a more appropriate vehicle for grant-in-aid requests.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1468, H.D. 2, as amended herein, and

recommends that it pass Second Reading in the form attached hereto as H.B. No. 1468, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 1399 (Joint) Energy, Economic Development, and Tourism and Government Operations on H.B. No. 401

The purpose and intent of this measure is to allow agencies to enter performance contracts to undertake or implement energy conservation or alternate energy measures for vehicles.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Transportation; Office of the Mayor of the County of Maui; Office of Climate Change, Sustainability, and Resiliency of the City and County of Honolulu; Ulupono Initiative; Hawaii Energy Policy Forum; Organizing for Action; and one individual. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that utilizing cleaner alternative energy forms and reducing carbon emissions are in the best interest of the State. This measure allows agencies to enter energy performance contracts for vehicles, which will allow for increased use of more efficient, cleaner forms of ground transportation in public fleets, ultimately reducing Hawaii's dependence on imported fossil fuels.

Your Committees have amended this measure by:

- (1) Clarifying certain provisions that referenced "vehicles" to mean a "vehicle fleet" and defining "vehicle fleet";
- (2) Adding vehicle fueling or charging infrastructure to the definition of "energy performance contract";
- (3) Adding avoided operations and avoided fuel costs as additional contingencies for the level of payments made pursuant to energy performance contracts; and
- (4) Changing the effective date to upon approval.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 401, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 401, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1400 Energy, Economic Development, and Tourism on H.B. No. 550

The purpose and intent of this measure is to:

- (1) Require the Public Utilities Commission to study the feasibility of implementing renewable portfolio standards to encourage the use of renewable energy by gas utility companies; and
- (2) Amend the renewable portfolio standard interim goals for 2030 and 2040 to accelerate the adoption of renewable energy.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Life of the Land; Ulupono Initiative; Elemental Excelerator; Healthy Climate Communities; Blue Planet Foundation; and twelve individuals. Your Committee received testimony in opposition to this measure from the Hawaii Teamsters and Allied Workers, Local 996; Hawai'i Gas; Building Industry Association of Hawaii; Chamber of Commerce Hawaii; and twenty individuals. Your Committee received comments on this measure from the Department of Transportation; Department of Commerce and Consumer Affairs; Public Utilities Commission; University of Hawai'i System; Organizing for Action; and Hawaiian Electric Company, Inc.

Your Committee finds that the need to reduce carbon emissions globally has become increasingly urgent and the timely transition toward renewable energy in Hawaii is imperative. Your Committee also finds that under the existing definition of renewable portfolio standard, the double counting of renewable distributed energy resources by using sales (renewable electrical energy sales divided by total electrical sales) instead of generation (renewable electrical energy generation divided by total electrical energy generation) overestimates the amount of renewable energy serving Hawaii's electric utility customers.

Your Committee is concerned that requiring electric utilities but not gas utilities to generate energy through renewable sources creates an unfair playing field that may unintentionally harm consumers and the environment by promoting investments in fossil fuels through gas-fired distributed electrical generation.

This measure amends the metric for renewable portfolio standard to be a percentage of electrical energy generation, which will provide a more accurate measurement of the State's actual renewable energy production and intent to eliminate reliance on fossil fuels, thereby facilitating the State's clean energy initiative and renewable energy goals.

Your Committee has amended this measure by:

- (1) Removing provisions requiring the Public Utilities Commission to conduct a renewable gas portfolio standards study;
- (2) Removing the appropriation for the Public Utilities Commission to conduct a renewable gas portfolio standards study;
- (3) Amending the definition of "renewable portfolio standard" to be the percentage of electrical energy generation, rather than sales, that is represented by renewable electrical energy;
- (4) Reinstating the forty percent renewable portfolio standards percentage goal for December 31, 2030;

- (5) Reinstating the seventy percent renewable portfolio standards percentage goal for December 31, 2040;
- (6) Removing the provision that required all electric grid-connected energy systems to be one hundred percent renewable energy systems by December 31, 2045; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 550, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 550, H.D. 1, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1401 (Joint) Energy, Economic Development, and Tourism and Higher Education on H.B. No. 624

The purpose and intent of this measure is to repeal and transfer the rights, powers, functions, and duties of the Hawaii Technology Development Corporation and Hawaii Strategic Development Corporation to the University of Hawaii.

Your Committees received testimony in opposition to this measure from the Hawaii Technology Development Corporation. Your Committees received comments on this measure from the University of Hawai'i System and Hawaii Strategic Development Corporation.

Your Committees find that in order to be competitive in a global economy, the State must have a strong, technology-based economic development strategy. Your Committees also find that the Department of Business, Economic Development, and Tourism currently houses many technology-focused programs, such as the Hawaii Technology Development Corporation and Hawaii Strategic Development Corporation, but these programs are not strategically aligned. In order to improve technology-based economic development in the State, these technology-focused programs need to be defined and aligned on common strategic objectives and an efficient and effective organizational structure.

Your Committees have heard concerns raised in testimony regarding the drawbacks of transferring the Hawaii Technology Development Corporation and Hawaii Strategic Development Corporation from the Department of Business, Economic Development, and Tourism to the University of Hawaii, as proposed by this measure, and finds that these actions may be premature.

Your Committees note that S.B. No. 990, S.D. 2 (Regular Session of 2019), also relates to technology-based economic development strategies and find that the language in S.B. No. 990, S.D. 2, is preferable because it does not transfer state technology agencies but instead orders a study to be conducted in order to assess how best to structure and align state departments and technology agencies.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 990, S.D. 2, a measure that:
  - (A) Requires the Department of Business, Economic Development, and Tourism to engage a consulting firm to conduct a study to evaluate policies and organizational changes needed within the Department that will enable the State to successfully execute a technology-based economic development strategy;
  - (B) Appropriates an unspecified amount of funds for the Department of Business, Economic Development, and Tourism to engage the consulting firm to conduct the study; and
  - (C) Inserts an effective date of upon approval with the appropriation to take effect on July 1, 2050;
- (2) Inserting an appropriation amount of \$70,000 for the study; and
- (3) Changing the effective date for the appropriation to July 1, 2019.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 624, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 624, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Kidani).

# SCRep. 1402 Energy, Economic Development, and Tourism on H.B. No. 773

The purpose and intent of this measure is to:

- (1) Rename and codify the Creative Industries Division as the Office of Creative Film and Media Industries Hawaii (Office);
- (2) Provide that the Hawaii Film Office and Arts and Culture Development Branch are agencies of the Office;
- (3) Specify that the Office shall include certain employees;
- (4) Require Hawaii Film Office employees to be transferred to the Office without any consequence to their employment benefits or status;

- (5) Rename the Hawaii television and film development special fund as the creative film and media development special fund, and expand the uses of the fund to support creative intellectual property and related infrastructure development within the Department of Business, Economic Development, and Tourism; and
- (6) Provide appropriations for positions within the Office and for other creative media related expenses.

Your Committee received testimony in support of this measure from the SAG-AFTRA Hawaii Local and one individual. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism and University of Hawai'i System.

Your Committee recognizes the economic and tourism benefits of Hawaii's film and creative industries, which represent fifty-four thousand entrepreneurs and businesses in the film, media, arts, culture, music, design, interactive, literary, broadcasting, and publishing industries. These industries, anchored by the film industry, are the foundation of Hawaii's creative economy.

Your Committee finds that the growth of entrepreneurial creative sector jobs in film and media are accelerating and the Creative Industries Division of the Department of Business, Economic Development, and Tourism has grown beyond the startup phase in 2003. To meet this growth of creative entrepreneurship, this measure will rename the Creative Industries Division as the Office of Creative Film and Media Industries Hawaii, and transfer the employees and resources of the Hawaii Film Office to the Office of Creative Film and Media Industries Hawaii, thereby strengthening Hawaii's creative economy.

Your Committee has amended this measure by:

- (1) Specifying that the Department of Business, Economic Development, and Tourism shall rename the Creative Industries Division as the Office of Creative, Film, and Media Industries Hawaii;
- (2) Removing the establishment of positions and funding for these positions within the Office of Creative, Film, and Media Industries Hawaii;
- (3) Changing the effective date to upon approval with the appropriations to take effect on July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 773, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 773, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

#### SCRep. 1403 (Joint) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health on H.B. No. 1229

The purpose and intent of this measure is to ensure the continued viability of the State's sea salt manufacturing industry by appropriating funds for providing education and support to local businesses regarding the Food and Drug Administration's (FDA) industry guidance on colored sea salt.

Your Committees received testimony in support of this measure from the Chamber of Commerce Hawaii; H.K. Enterprise Group, Inc.; Hawaii Food Manufacturers Association; Salty Wahine Gourmet Hawaiian Sea Salts LLC; Hawaiian Chip Company; Psalty Acres; and one individual. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that the popularity of Hawaii-made sea salt products is on the rise. Sea salt products colored with Hawaiian charcoal, volcanic clay, and other natural ingredients help to promote the State's brand.

Your Committees also find that the FDA's industry guidance on the use of color additives in sea salt products indicates that sea salt manufacturers who intend to use color additives that are not currently approved for food use should first obtain approval through the FDA's color additive petition process. Based on the testimony of the Department of Business, Economic Development, and Tourism, your Committees further find that to obtain FDA approval of the color additives used by Hawaii sea salt companies, lengthy, costly, and detailed research, studies, and analysis by science and industry experts must be conducted and submitted to the FDA for review.

With the intent to facilitate the continued success of these Hawaii sea salt businesses and maintain the strength and integrity of the Hawaii brand, this measure appropriates funds to the Department of Business, Economic Development, and Tourism to provide education and support to local businesses regarding the industry guidance on colored sea salt. However, since the appropriation of public funds proposed by this measure would largely benefit a private industry, your Committees find it fair and reasonable to require that sea salt industry companies collectively pay for half of the cost to conduct any necessary research and studies to be submitted to the FDA.

Accordingly, your Committees have amended this measure by:

- (1) Adding a condition that the appropriation shall not be made unless the Hawaii sea salt industry collectively contributes one-half of the cost to conduct a study to be submitted to the FDA for approval of the color additives used by Hawaii sea salt companies; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and

purpose of H.B. No. 1229, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1229, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (Inouye, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 6; Ayes with Reservations (Ruderman). Noes, none. Excused, 1 (Fevella).

## SCRep. 1404 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1457

The purpose and intent of this measure is to promote transit-oriented development by appropriating funds to the Office of Planning to assist the County of Maui in the planning and development of the Wailuku-Kahului Transit Corridor Master Plan.

Your Committees received testimony in support of this measure from the Office of Planning, Office of the Mayor of the County of Maui, three members of the County Council of the County of Maui, Department of Transportation of the County of Maui, Department of Planning of the County of Maui, Maui Chamber of Commerce, and one individual.

Your Committees find that the County of Maui is undertaking initiatives to promote mixed-use development and revitalize its existing civic center of Wailuku and its commercial and retail center of Kahului, with improved bus transit service and other multimodal transportation options being an integral part of improving access to jobs and services throughout Maui. The County of Maui Department of Planning intends to identify redevelopment opportunities in Wailuku and Kahului, including transportation improvements for the transit corridor connecting the two centers, to capitalize on the potential for co-locating affordable housing, jobs, public services, and other amenities to create walkable communities. This measure appropriates funds for the planning and development of the Wailuku-Kahului Transit Corridor Master Plan, which will provide long-term benefits to Maui by creating more vibrant, livable, and sustainable communities that are connected through a multitude of transportation options.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2100, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1457, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1457, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1405 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 89

The purpose and intent of this measure is to:

- (1) Establish liability for a person that owns or occupies real property that allows an individual to possess or set off illegal aerial devices on the real property; and
- (2) Clarify that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings.

Your Committee received testimony in support of this measure from the Hawai'i State Fire Council; County of Hawai'i Fire Department; County of Kaua'i Fire Department; County of Maui Fire Department; City and County of Honolulu Police Department; City and County of Honolulu Fire Department; American Promotional Events, Inc.; Poi Dogs & Popoki; and three individuals. Your Committee received testimony in opposition to this measure from the Ho'omanapono Political Action Committee.

Your Committee finds that illegal fireworks pose a serious risk of injury and can be a noise nuisance to the community. Your Committee therefore finds that greater deterrents to illegal fireworks are necessary, as is consideration for the safe disposal of illegal fireworks once confiscated. Your Committee heard S.B. No. 1305 (Regular Session of 2019), a bill with similar goals that was previously passed by your Committee, and prefers the language in S.B. No. 1305, as it addresses your Committee's concerns about penalties for and the safe disposal of illegal fireworks.

Your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 1305, which:

- (1) Allows law enforcement agencies to safely dispose of confiscated fireworks, except for a sample that is to be retained for evidentiary purposes;
- (2) Authorizes the court to establish a step-up fine structure based on the amount of fireworks confiscated and to impose a disposal fine to reimburse the counties for the costs of safely disposing of confiscated fireworks;
- (3) Establishes that each type of fireworks unlawfully imported, purchased, possessed, ignited, or discharged constitutes a separate offense;
- (4) Appropriates funds as a grant to the Honolulu Police Department for a secure container in which to store confiscated fireworks; and
- (5) Takes effect on July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 89, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 89, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

#### SCRep. 1406 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on H.B. No. 456

The purpose and intent of this measure is to:

- (1) Require the Department of Public Safety to develop policies and procedures to govern the use of force and to require training for its deputy sheriffs in less than lethal use of force; and
- (2) Appropriate funds for training, equipment, and related records management.

Your Committees received testimony in support of this measure from the Community Alliance on Prisons, Ho'omanapono Political Action Committee, and three individuals. Your Committees received comments on this measure from the Department of Public Safety.

Your Committees find that public safety officers are frequently in harm's way and must quickly make difficult decisions while under intense stress. Your Committees further find that because of the gravity of these decisions, the people of the State and public safety officers rely on and expect thorough training and accountability, including training on less than lethal use of force.

Your Committees have amended this measure by:

- (1) Requiring the Department of Public Safety to revise, rather than develop, policies, and procedures governing the use of force and including policies and procedures governing the use of weapons and equipment;
- (2) Requiring the Department of Public Safety's use of force training to be reviewed by the Law Enforcement Standards Board;
- (3) Requiring the Deputy Director of the Law Enforcement Division to be included and certified in all weapons training;
- (4) Deleting language that would have established core curriculum to be included in the Department's less than lethal use of force training;
- (5) Requiring the Department of Public Safety to report its progress regarding the revision of policies and procedures governing the use of force, weapons, and equipment to the Legislature by January 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 456, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 456, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1407 (Joint) Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism on H.B. No. 501

The purpose and intent of this measure is to clarify that the use of fireworks by permit for movie, television, and theatrical productions and the removal of pyrotechnic material from or ignition, setting off, discharge, or explosion of fireworks by law enforcement to test, dispose of, or destroy illegal fireworks do not violate state prohibitions.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii State Fire Council; City and County of Honolulu Fire Department; City and County of Honolulu Police Department; County of Maui Fire Department; County of Maui Fire Department; County of Maui Fire Department; County of Honolulu City Council; Honolulu Film Office; and American Promotional Events, Inc.

Your Committees find that it is reasonable to allow the use of fireworks for movie, television, and theatrical productions and to authorize law enforcement agencies to take necessary steps to test, dispose of, or destroy seized or impounded illegal fireworks.

Your Committees further find that some pyrotechnic activities and filming occur on non-state-owned jurisdictions, such as on private and federal lands. Your Committees therefore find that authorizing the authority having jurisdiction, instead of only the Department of Business, Economic Development, and Tourism, to approve permits for the purchase and use of consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic in movie and television productions, would make the permitting process more efficient and support the intent to create a consistent method for permitting these types of fireworks, regardless of jurisdiction over permit approval.

Your Committees have amended this measure by:

- (1) Allowing the authority having jurisdiction over permit approvals to approve the purchase and use of consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic for use in a movie or television production; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 501, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 501, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1408 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 285

The purpose and intent of this measure is to:

- (1) Require the chief of each county police department to disclose to the Legislature the identity of a police officer upon the suspension or discharge of the officer; and
- (2) Amend the Uniform Information Practices Act to allow for the disclosure of employment misconduct information that results in the suspension of a county police officer.

Your Committee received testimony in support of this measure from the Office of Information Practices, American Civil Liberties Union of Hawai'i, Society of Professional Journalists, Domestic Violence Action Center, Civil Beat Law Center for the Public Interest, League of Women Voters, Common Cause Hawaii, and two individuals. Your Committee received testimony in opposition to this measure from the State of Hawaii Organization of Police Officers and one individual.

Your Committee finds that this measure would provide public access to records of suspended police officers, similar to the information required regarding the suspension of other government employees. Your Committee further finds that promoting transparency and greater accountability of public servants is in the best interests of the State.

Your Committee has amended this measure by simplifying the amendment to section 92F-14, Hawaii Revised Statutes, and retaining the substantive effect of allowing disclosure of a county police department officer's personal information if the officer was suspended for employment misconduct.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 285, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 285, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1409 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 287

The purpose and intent of this measure is to reduce the potential hazards associated with vacant and abandoned residential properties by:

- (1) Requiring each county to establish an expedited procedure for approvals of demolition permits for vacant residential properties; and
- (2) Allowing the Department of Taxation to seek the nonjudicial foreclosure sale of vacant and abandoned residential property with an outstanding recorded state tax lien.

Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that abandoned residential properties can impose significant costs on the community and become public safety hazards and magnets for criminal activity. Your Committee further finds that it is in the public interest to encourage the use of residential properties and reduce the number of vacant and abandoned homes in the State.

Your Committee has amended this measure by:

- (1) Replacing the term "state tax collector" with references to the Department of Taxation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 287, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 287, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1410 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 497

The purpose and intent of this measure is to establish a task force to examine the illegal import of fireworks and contraband into Hawaii.

Your Committee received testimony in support of this measure from the Department of Public Safety; Hawai'i State Fire Council; County of Hawai'i Fire Department; County of Maui Fire Department; City and County of Honolulu Police Department; City and County of Honolulu Fire Department; American Promotional Events, Inc.; and one individual.

Your Committee received testimony in opposition to this measure from the Ho'omanapono Political Action Committee. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that the use of consumer fireworks causes fires and burn injuries, including to children. Fireworks produce excessive smoke that makes breathing difficult. Loud fireworks noises traumatize many residents, including war veterans, and pets. Your Committee further finds that with the increase in fireworks-related calls, public safety agencies can be strained to maintain adequate response levels for other critical emergencies.

Your Committee has amended this measure by:

- (1) Clarifying that the Legislative Reference Bureau will only assist with finalizing the task force's report and drafting legislation;
- (2) Requiring the task force to submit its draft report to the Legislative Reference Bureau no later than September 1, 2019.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 497, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 497, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

#### SCRep. 1411 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 499

The purpose and intent of this measure is to correct labeling dimensions for display fireworks, articles pyrotechnic, and aerial devices.

Your Committee received testimony in support of this measure from the State Fire Council, County of Hawai'i Fire Department, County of Maui Fire Department, and County of Kaua'i Fire Department.

Your Committee finds that labeling dimensions for display fireworks, articles pyrotechnic, and aerial devices originally codified into existing law were incorrect and need clarification. Your Committee further finds that this measure corrects the labeling requirement dimensions to conform with industry standard code.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 499, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1412 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 629

The purpose and intent of this measure is to create a medical or compassionate release program for certain ill, disabled, and impaired inmates who pose a low risk to public safety.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Community Alliance on Prisons, Hawai'i Health Harm & Reduction Center, Hawai'i Justice Coalition, Hawai'i Friends of Restorative Justice, and six individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney. Your Committee received comments on this measure from the Hawaii Paroling Authority and Department of Public Safety.

Your Committee finds that an increasing number of men and women are entering prison with serious medical illnesses and many face the risk of developing a serious illness or disability in prison. Concern over how society should deal with the aging and seriously ill prison population has led policy makers in many states to endorse early release for older and seriously ill prisoners who pose a low risk to public safety.

Your Committee further finds that compassionate release provides physicians and other medical professionals an opportunity to use their unique expertise and knowledge of prognosis, geriatrics, cognitive and functional decline, and palliative medicine to ensure that medical criteria for compassionate release are appropriately evidence-based. Your Committee believes that compassion is an integral part of the aloha spirit.

Your Committee has amended this measure by:

- Requiring that all requests for medical release be made to the Department of Public Safety instead of the Hawaii Paroling Authority; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Judiciary chooses to hear this measure that it consider the following concerns raised by testifiers:

- (1) The Community Alliance on Prisons requests that language allowing an inmate to be considered for medical release if the inmate has a "seriously debilitating and irreversible mental or physical condition" be changed to "debilitating disease or illness"; and
- (2) The Hawaii Paroling Authority has concerns that this measure conflicts with section 706-670, Hawaii Revised Statutes, as it relates to scheduling initial parole release consideration hearings.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 629, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 629, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

#### SCRep. 1413 (Joint) Public Safety, Intergovernmental, and Military Affairs and Technology on H.B. No. 1553

The purpose and intent of this measure is to establish the Hawaii State Fusion Center as a program under the Office of Homeland Security and the position of the Hawaii State Fusion Center Director.

Your Committees received testimony in support of this measure from the Department of Defense; Department of Public Safety; Department of Transportation, Department of Business, Economic Development, and Tourism; Department of Human Services; Department of Education; Office of Homeland Security; Office of Enterprise Technology Services; Hawaii State Fire Council; City and County of Honolulu Board of Water Supply; City and County of Honolulu Department of Emergency Management; County of Maui Fire Department; County of Hawai'i Police Department; County of Kaua'i Police Department; City and County of Honolulu Fire Department; Hawaiian Electric Companies; Chaminade University of Honolulu; Hawai'i Gas; CyberHawaii; Retail Merchants of Hawaii; Star Protection Agency; InfraGard Hawaii Members Alliance; and two individuals.

Your Committees find that chapter 128A, Hawaii Revised Statutes, relating to homeland security, was enacted to provide for all homeland security functions of the State and counties, such as ensuring that the State will be adequately prepared to deal with terrorist attacks, preserving the lives and property of the people of the State, and protecting the public's peace, health, and safety. Your Committees further find that the Hawaii State Fusion Center supports these objectives by being the focal point for sharing local, national, and international information with the intelligence community.

Your Committees also find that the Fusion Center will be a significant resource to the State and will serve as an important hub for federal, state, and county agencies and private entities to share current information on security and other issues that impact Hawaii residents. The Fusion Center monitors issues that relate to homelessness, cybersecurity, the REAL ID Act, improving system response to workplace violence, and coordinated responses to sex trafficking, among other issues.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1553, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1553, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

## SCRep. 1414 (Joint) Commerce, Consumer Protection, and Health and Agriculture and Environment on H.B. No. 562

The purpose and intent of this measure is to require the Department of Health to convene a construction waste reuse and recycling working group to develop recommendations for implementing requirements for the reuse, recycling, or donation of construction waste.

Your Committees received testimony in support of this measure from the Department of Health, Department of Accounting and General Services, Chamber of Commerce Hawaii, Oahu County Democrats, Ulupono Initiative, Roofing Contractors Association of Hawaii, EcoTipping Points Project, Sierra Club of Hawaiii, Building Industry Association of Hawaii, International Code Council, and one individual. Your Committees received testimony in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu.

Your Committees find that Hawaii has made significant strides in reducing the amount of solid waste deposited in landfills in recent years, with recycling and H-Power accounting for an almost seventy-five percent reduction in municipal waste on Oahu alone. However, the waste issues that remain are becoming increasingly complex and challenging to mitigate. Construction and demolition waste, which constitutes a significant portion of the State's total waste stream, is of particular concern because the State has limited sites equipped to efficiently handle this type of waste. Your Committees further find that the working group established by this measure brings together construction industry and recycling experts with the goal of providing the Legislature with workable recommendations on how to reduce, reuse, and recycle construction and demolition waste in Hawaii.

Your Committees have amended this measure by:

- (1) Amending the membership of the working group to include representative from Re-use Hawai'i and Hawaii Materials Recycling, LLC;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 562, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 562, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1415 Agriculture and Environment on H.B. No. 144

The purpose and intent of this measure is to support Hawaii's coffee growers by:

- (1) Requiring disclosure on the label of coffee blends of the respective geographic origins of Hawaii-grown coffees and regional origins of coffees not grown in Hawaii and the percentage of origin by weight of the blended coffees; and
- (2) Making it a violation of the coffee labeling law to use a geographic or regional origin in labeling or advertising for roasted or instant coffee blends that contain less than fifty-one percent coffee by weight from that geographic origin.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; Kona Coffee Farmers Association; Bea's Knees Farm; Smithfarms.com; Kau Coffee Growers Cooperative; Pohaku Farm; Konaloha Farms; Monk's Delight Kona Coffee; A'a Li'i Farm; Food Security Hawaii; Buddha's Cup Coffee; Hawaii Chocolate and Cacao Association; Kanalani Ohana Farm; Sugaikonacoffee; Lavarock Farm; Cassandra Farms; Hale Kai Lana, Inc.; Hawaii Advocates For Consumer Rights; Maui Farmers Union United; Hawaii Farmers Union United; and sixty-nine individuals. Your Committee received testimony in opposition to this measure from the Kona Coffee Council, Hawaii Restaurant Association, Hawaii Food Industry Association, IL Gelato Hawaii, Hawaiian Queen Coffee, Hawaii Coffee Company, 7 Eleven Hawaii, Cornwell Coffee, Hawaii Coffee Association, RKCC, Aloha Hills Kona Coffee LLC, Royal Kona Coffee Visitor Center Mill & Museum, and fifty-one individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the original roasted coffee label law was enacted by Act 289, Session Laws of Hawaii 1991, which established a ten percent minimum amount of Kona coffee, by weight, for Kona blended coffee. Your Committee also finds that for many years, Hawaii has been one of the only regions in the world that authorizes by law the use of its geographic origin name in the labeling of agricultural products with as little as ten percent of the content actually grown in Hawaii.

Your Committee further finds that the local coffee industry is divided on whether to amend the minimum percentage of the coffee blend required to be of the named origin, and the economic effects of such a change. Therefore, your Committee finds that requiring an economic impact study and further deliberation by a task force would be a more prudent way forward at this point in time.

Your Committee has amended this measure by:

- (1) Deleting language that would have amended section 486-120.6(b) and (c), Hawaii Revised Statutes, to prohibit the use of geographic origins in labeling for coffee containing less than fifty-one percent of coffee sourced from that region;
- (2) Requiring the University of Hawaii Economic Research Organization to conduct an economic impact study to assess the impact of possible changes to labeling laws on the local coffee industry and requiring the University of Hawaii Economic Research Organization to report its findings and recommendations to the Legislature and the coffee labeling task force by the Regular Session of 2021;
- (3) Establishing on July 1, 2020, a coffee labeling task force to review and assess the findings and recommendations of the economic impact study, develop proposed legislation, and identify related issues not addressed by state law;
- (4) Specifying the membership of the task force;
- (5) Requiring the task force to submit a report of findings and recommendations to the Legislature prior to the Regular Session of 2022;
- (6) Inserting an appropriation of \$250,000 for the economic impact study;
- $(7) \quad Inserting \ an \ appropriation \ of \$100,\!000 \ for \ the \ task \ force;$
- (8) Amending section 1 to reflect its amended purpose;
- (9) Making it effective on July 1, 2019; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the economic impact study should include a comparative, in-depth analysis of how origin labeling of product content can affect the pricing of and market for high-value, quality products.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 144, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 144, H.D. 1, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ruderman, Rhoads, Thielen, Fevella). Noes, none. Excused, none.

#### SCRep. 1416 Commerce, Consumer Protection, and Health on H.B. No. 1453

The purpose and intent of this measure is to allow the Department of Health to:

- (1) Establish fees to be collected from individuals who are transported by ambulance to a medical facility or who receive emergency medical services by emergency medical services personnel without being transported to a medical facility; and
- (2) Adopt rules permitting transportation by ambulance to medical facilities other than hospital emergency departments.

Your Committee received testimony in support of this measure from the Department of Health, City and County of Honolulu Emergency Medical Services Department, Hawaii Medical Service Association, American Medical Response, and five individuals.

Your Committee finds that currently, 911 emergency medical patients are only transported to facilities designated as hospitals, with one exception. However, not all patients who receive emergency medical services need to go to the hospital. Your Committee further finds that emergency medical services have only been reimbursable if the patient is ultimately transported to a medical facility. Data shows that there has been a consistent increase each year in the proportion of patients treated but not transported. These patients essentially receive care free of charge at a time when the cost of quality health care continues to increase.

Your Committee further finds that the paradigm of emergency medical services charging fees only when the end product is transport to an emergency room 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.

Your Committee has amended this measure by:

- Requiring private insurance coverage of ambulance services and statewide community paramedicine services rendered by emergency medical technicians or paramedics;
- (2) Requiring the State's Medicaid program to provide coverage for ambulance services and the option of providing coverage for statewide community paramedicine services rendered by emergency medical technicians or paramedics;
- (3) Clarifying that individuals receiving treatment from emergency medical services personnel can be charged fees when the services are provided as part of a community paramedicine program;
- (4) Specifying that the emergency medical services fees collected pursuant to this measure be deposited to the credit of the emergency medical services special fund; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1453, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1453, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Thielen, Fevella).

## SCRep. 1417 Commerce, Consumer Protection, and Health on H.B. No. 1013

The purpose and intent of this measure is to establish an involuntary hospitalization task force to:

- (1) Examine certain sections of chapter 334, Hawaii Revised Statutes;
- (2) Make recommendations to the Legislature to reduce unnecessary emergency department admissions; and
- (3) Improve access for involuntarily hospitalized (MH-1) patients to the most appropriate level of care.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received comments on this measure from the Office of the Public Defender, Kaiser Permanente Hawai'i, Healthcare Association of Hawaii, The Queen's Health Systems, and Hawai'i Pacific Health.

Your Committee finds that the overlapping issues of mental illness, substance abuse, and homelessness present complex problems for the State. One such complex problem is associated with the current process for MH-1 patients – those individuals transported by law enforcement officers to a health care facility for mental health evaluation. Current practice has been to transport patients experiencing a mental health emergency to a hospital's emergency department. Often, these patients require involuntary hospitalization. However, there is a significant burden on licensed psychiatric facilities that have emergency services given that these facilities receive the bulk of MH-1 patients.

According to testimony received by your Committee, an emergency room does not have the appropriate setting for meeting the long-term needs of these patients, who could also potentially be harmful to the hospital staff and other patients. Moreover, emergency facilities have concurrently seen a significant rise in psychiatric emergency transfers, resulting in overcrowding and creating an unsafe environment. A local hospital testified before your Committee that it has experienced disproportionate increases in the number of MH-1 patients brought into its facility, despite the expansion of designated receiving facilities; in 2018, about sixty percent of the MH-1 patients transported to the facility's emergency department did not require a psychiatric evaluation and could have been transported to another emergency department. This measure establishes a task force to examine existing laws and practices and make recommendations to the Legislature to reduce unnecessary emergency department admissions and improve standardized access for MH-1 patients.

Your Committee has amended this measure by:

- (1) Clarifying the objectives and focus areas of the involuntary hospitalization task force;
- (2) Amending the membership of the task force;
- (3) Clarifying that the task force shall submit a report to the Legislature no later than twenty days, rather than thirty days, prior to the convening of the Regular Session of 2020;

- (4) Inserting an effective date of July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1013, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1013, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 1418 Commerce, Consumer Protection, and Health on H.B. No. 66

The purpose and intent of this measure is to repeal the existing Uniform Athlete Agents Act and replace it with the Revised Uniform Athlete Agents Act, which applies to financial advisers under certain circumstances and makes other changes to the Uniform Act to increase effectiveness and enforceability.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Education, University of Hawai'i System, and State Commission to Promote Uniform Legislation. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs.

Your Committee finds that the improper recruitment of a student athlete who is still enrolled in an educational institution can cause substantial eligibility problems for both the student athlete and the educational institution, which in turn can lead to severe economic sanctions and loss of scholarships for the institution. According to testimony received by your Committee, the Uniform Athlete Agents Act, adopted by the Legislature in 2007, has helped to reduce improper contact between agents and student athletes. However, a variation of the athlete agent problem has been developing in the form of financial advisers who are not subject to the Uniform Athlete Agents Act.

This measure repeals the current Uniform Athlete Agents Act and replaces it with the Revised Uniform Athlete Agents Act, which expands applicability of the Uniform Act to financial advisers under certain circumstances and requires these individuals to register as athlete agents. This measure further recognizes the importance of protecting young student athletes and expands protections for athletes against illegal and unscrupulous acts by athlete agents and financial advisers.

Your Committee has amended this measure by:

- (1) Clarifying that a certified athlete agent is an athlete agent that is certified by a bona fide national association that promotes or regulates intercollegiate athletics and establishes eligibility standards for participation by student athletes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 66, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 66, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Thielen).

## SCRep. 1419 Commerce, Consumer Protection, and Health on H.B. No. 582

The purpose and intent of this measure is to:

- (1) Expand the Department of Health's authority to conduct unannounced visits to adult day care centers;
- (2) Remove the notice requirement for annual relicensing inspections of adult residential care homes;
- (3) Require adult day care centers to be licensed or certified by the Department of Health;
- (4) Specify that anyone who operates a community-based foster family home, adult foster home, or adult day care center without a license is guilty of a misdemeanor;
- (5) Repeal amendments made in Act 184, Session Laws of Hawaii 2016, regarding unannounced visits and inspections of adult residential care homes and expanded adult residential care homes, that have yet to take effect;
- (6) Authorize a website forum where all state-licensed care facilities may post vacancy information in order to facilitate placement of individuals;
- (7) Establish a schedule of fees to be charged by the Department of Health to issue or renew licenses or certifications for elderly and disabled adult care facilities;
- (8) Require the Department of Health to submit a report to the Legislature on various aspects of licensure and certification fees;
- (9) Establish a caregiver and case manager compensation task force to develop recommendations for caregiver and facility compensation rates and examine existing legislation for compatibility with insurance reimbursement time frames; and
- (10) Require the Department of Health to adopt various rules related to standards for regulated facilities and fees.

Your Committee received testimony in support of this measure from United Group of Home Operators, Adult Foster Homecare Association of Hawaii, Big Island Adult Residential Care Home Operators, Big Island Adult Foster Home Operators, and five individuals. Your Committee received testimony in opposition to this measure from Hale Nohea. Your Committee received comments on this measure from the Department of Health, Department of Human Services, and one individual.

Your Committee finds that Hawaii's population aged sixty and over is projected to almost double by 2030, compared to what it was in 2000. As the aging population grows, it is becoming increasingly urgent for the State to ensure protections are in place to provide and maintain high quality care for Hawaii's elderly and disabled populations.

Your Committee has amended this measure by:

- (1) Clarifying language requiring the Department of Health to post annual reports of all inspections it performs of certain statelicensed adult care facilities:
- (2) Removing language that would have established a statutory fee schedule for licensing, certification, and renewals fees for certain facilities licensed or certified by the Department of Health and would have required the Department to submit a report regarding the newly-established fees;
- (3) Amending the composition of the caregiver and case manager task force;
- (4) Clarifying the purpose of the task force by removing references to developing a minimum compensation rate for caregivers since compensation rates are established by the United States Centers for Medicare and Medicaid Services and are not controlled by the state agencies represented on the task force;
- (5) Removing language that would have expanded caregiver criteria to all other facilities licensed or certified by the Department of Health;
- (6) Inserting an effective date of July 1, 2019, and clarifying that the amendments made to sections 321-15.6(a) and 321-15.62(a), Hawaii Revised Statutes, by this measure shall supersede the amendments made to those sections by Act 184, Session Laws of Hawaii 2016; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 582, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 582, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 1420 Commerce, Consumer Protection, and Health on H.B. No. 1273

The purpose and intent of this measure is to:

- (1) Establish the intellectual and developmental disabilities medicaid waiver administrative claiming special fund; and
- (2) Convene a task force to examine and evaluate the application process of the Hawaii Medicaid Section 1915(c) Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities.

Your Committee received testimony in support of this measure from the Department of Health, Department of Human Services, State Council on Developmental Disabilities, Hawai'i Psychological Association, Hawaii Substance Abuse Coalition, and two individuals. Your Committee received comments on this measure from the Hawaii Disability Rights Center and Responsive Caregivers of Hawaii.

Your Committee finds that the Department of Health, Developmental Disabilities Division is the operating agency for Hawaii's Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (HCBS I/DD Waiver), pursuant to section 1915(c) of the Social Security Act. The federal government permits Medicaid administrative claiming, which provides funds to states to help states defray the cost of operating the HCBS I/DD Waiver. However, your Committee notes that the Department of Health has only conducted minimal administrative claiming because it lacks the infrastructure required to meet federal requirements for implementation of the HCBS I/DD Waiver. Establishing the intellectual and developmental disabilities medicaid waiver administrative claiming special fund ensures that monies from administrative claiming can be expeditiously used by the Department of Health to bring the waiver program up to federal standards and modernize Hawaii's administration of the program so that it can continue to meet federal guidelines going forward.

Your Committee further finds that developing educational and training materials is necessary to address concerns about the waiver program raised by parents and various stakeholders. However, in place of establishing a task force, your Committee believes that it will be more efficient for the Departments of Health and Human Services to develop the materials in consultation with interested stakeholders, to enhance communication and education about the Developmental Disabilities Division's admission, assessment, and service delivery process.

Accordingly, your Committee has amended this measure by:

- Replacing the task force with a requirement for the Departments of Health and Human Services to work with stakeholders to
  develop and distribute information about accessing Medicaid services for individuals with intellectual and developmental
  disabilities;
- (2) Requiring the Department of Health to submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020;

- (3) Removing language that would have required the Department of Health to discontinue its current assessment system for evaluation of clients, as this could have jeopardized federal funding of Hawaii's HCBS I/DD Waiver; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1273, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1273, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

## SCRep. 1421 (Joint) Government Operations and Judiciary on H.B. No. 1263

The purpose and intent of this measure is to amend the order of succession to the office of the Lieutenant Governor.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that having an effective line of succession to the Office of the Lieutenant Governor in the event of unavailability or incapacity of the current Lieutenant Governor is important to maintain efficient execution of government services and ensure that policies and initiatives are not compromised upon the change in the Office of the Lieutenant Governor. This measure therefore makes certain changes to the order of succession to the Office of the Lieutenant Governor.

Your Committees note the concerns raised in testimony by the Department of Budget and Finance, that this measure may leave a potential gap in the provision for succession in the event the Governor and Lieutenant Governor are not of the same political party as the President of the Senate and Speaker of the House or the Governor and Lieutenant Governor are simultaneously unable to hold their respective offices. Although the chances of this occurring is rare, it is possible. Your Committees further find that the purpose of the order of succession is to avoid confusion and disruption of the normal state government, even in the most unlikely of circumstances. Amendments to address the concerns raised in testimony are therefore necessary.

Your Committees have amended this measure by clarifying the order of succession to the Office of the Lieutenant Governor by:

- (1) Reinstating statutory language that specifies the four state department directors who are in the line of succession; and
- (2) Moving the individual appointed by the Governor ahead of the department directors in the line of succession

As affirmed by the records of votes of the members of your Committees on Government Operations and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1263, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1263, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

# SCRep. 1422 Commerce, Consumer Protection, and Health on H.B. No. 481

The purpose and intent of this measure is to:

- Amend the existing health insurance mandate to specify that coverage for low-dose mammography includes coverage for digital mammography and breast tomosynthesis; and
- (2) Require the State Auditor to perform an impact assessment report and report any findings to the Legislature prior to the Regular Session of 2020.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Hawaii Medical Association, Hawaii Women's Coalition, Hawaii Women's Healthcare, Hawaii Radiological Society, Planned Parenthood Votes Northwest and Hawaii, and eight individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund, Office of the Auditor, Hawaii Medical Service Association, and Hawaii Association of Health Plans.

Your Committee finds that breast cancer is one of the most common kinds of cancer in women. Nearly one in eight women born today in the United States will get breast cancer sometime during her life. Digital mammography provides images of the breast in many different angles, providing greater accuracy in finding abnormalities and determining which abnormalities seem potentially worrisome. Women who undergo screening with a combination of three-dimensional and two-dimensional mammography are less likely to be called back for more testing due to suspicious findings that turn out not to be cancer. Digital mammography and breast tomosynthesis are technologies that have been shown to be more effective for patients with dense breast tissue and can help in the early detection and treatment of breast cancer. This measure will enable women from all socio-economic sectors to take advantage of this evidence-based technology that, according to testimony received by your Committee, all other states except Hawaii have incorporated as a benefit covered by insurance companies.

Your Committee notes that coverage for low-dose mammography is not a new benefit that would be subject to an impact assessment report. Breast tomosynthesis is simply an advancing technology within the existing mammography mandate that should also be covered under the same benefit. Your Committee believes it is inappropriate to require an impact assessment whenever a new technology comes out to modernize an existing covered benefit. Such attempts to delay action pose a risk to the health of patients who would benefit from advancing technologies or methodologies.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required the State Auditor to conduct an impact assessment report;
- (2) Inserting an effective date of July 1, 2019;
- (3) Inserting a repeal date of June 30, 2024; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 481, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 481, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Thielen).

#### SCRep. 1423 Commerce, Consumer Protection, and Health on H.B. No. 854

The purpose and intent of this measure is to:

- (1) Include education about food donation liability in the health inspection process for food establishments; and
- (2) Exempt from liability the donation of perishable or nonperishable food from institutions that comply with commercial food safety requirements, if a good faith donor or distributor believes the food is fit for human consumption.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Down to Earth, and Aloha Harvest. Your Committee received comments on this measure from Kōkua Hawai'i Foundation.

Your Committee finds that more than ten percent of Hawaii residents are food insecure and receive food assistance through nonprofit organizations and government programs. Your Committee further finds more than twenty-five percent of food grown in or transported to Hawaii is thrown away, which amounts to approximately \$1 billion in annual food waste. Nationwide, one hundred thirty-three billion pounds of food are wasted per year. Food is also the single largest source of municipal waste, while food production is a direct contributor to local and global climate change. Your Committee finds these two problems are linked and that providing security and encouragement to food establishments may help ensure that food is not wasted while Hawaii residents go hungry.

Your Committee understands that food establishments have raised concerns about liability stemming from donated food. This measure is intended to clarify that institutions that meet commercial food safety requirements are not liable for civil damages and criminal penalties for food donations made in good faith. Your Committee believes this measure will result in increased food security for Hawaii families, while helping to lower greenhouse gas emissions and reduce strain on Hawaii's waste disposal system.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 854, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 854, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

## SCRep. 1424 Commerce, Consumer Protection, and Health on H.B. No. 1009

The purpose and intent of this measure is to permanently require motion picture theaters to offer open movie captioning showings at least two times per week for each motion picture that is produced with open captioning and eliminate theaters' ability to substitute lightweight eyewear personal closed captioning systems for open captioning.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Hawai'i Civil Rights Commission, State Council on Developmental Disabilities, Office of Language Access of the Department of Health, Special Education Advisory Council, Aloha State Association of the Deaf, Aloha Independent Living Hawai'i, Hawaii Disability Rights Center, Hawaii Interpreting Services, and over one hundred individuals. Your Committee received testimony in opposition to this measure from the National Association of Theatre Owners.

Your Committee finds that the open captioning requirement in Act 39, Session Laws of Hawaii 2015 (Act 39), which required movie theaters to provide open movie captioning and a minimum of two open captioned showings per week, was considered landmark legislation for the deaf and hard of hearing community. Act 211, Session Laws of Hawaii 2017, effectively eliminated the open captioned showing requirement by requiring only one open captioned showing per week and permitting a theater to forego any open captioned showings if the theater provided lightweight eyewear as an alternative.

However, your Committee notes from the testimony on this measure that the lightweight eyewear captioning systems have not been well received by the deaf and hard of hearing community and may not be appropriate for all deaf and hard of hearing individuals, therefore leaving a segment of the population without adequate accommodation. Your Committee further finds that this measure addresses the discriminatory effects of communication barriers at movie theaters and restores and makes permanent the requirements originally contemplated by Act 39, which will enable deaf and hard of hearing consumers an equal opportunity to attend and enjoy movies in a similar manner as those who do not require open movie captioning.

Your Committee has amended this measure by inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1009, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1009, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Chang). Noes, none. Excused, 3 (Keohokalole, Thielen, Fevella).

#### SCRep. 1425 Judiciary on H.B. No. 626

The purpose and intent of this measure is to require vacancies in the offices of United States Senator, Representative in the United States House of Representatives, State Senator, and State Representative to be filled by special election.

Your Committee received testimony in support of this measure from the Honolulu County Republican Party and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that transparency in filling mid-term vacancies in legislative elected office contributes to public confidence in the legislative process. Your Committee further finds that while the existing procedure for filling vacancies in most offices is complex and comprehensive, special elections conducted by ranked choice voting could be beneficial for filling vacancies in offices with a broad range of candidates. Your Committee additionally finds that authorizing the Governor to make temporary appointments to fill vacancies in the office of United States Representative pending a special election will help to maintain seniority for members of the State's congressional delegation.

Accordingly, your Committee has amended this measure by:

- (1) Removing language requiring vacancies in the offices of Unites States Senator, State Senator, and State Representative to be filled by special election;
- (2) Requiring vacancies in the representation of the State in the United States House of Representatives to be filled by a special election utilizing ranked choice voting;
- (3) Requiring the Governor to make a temporary appointment to the office of United States Representative pending the special election in the event of a vacancy; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 626, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 626, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1426 Judiciary on H.B. No. 510

The purpose and intent of this measure is to appropriate funds for operating and capital improvement costs of the Judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee received testimony in support of this measure from the Judiciary, Kauai Bar, Hawaii State Bar Association, Maui County Bar Association, Hawaii State Bar Association's Appellate Section, West Hawaii Bar Association, and two individuals.

Your Committee finds that the appropriations made by this measure will assist the Judiciary in its efforts to fulfill its constitutional and statutory duties for the 2019-2021 fiscal biennium.

Your Committee specifically notes that it has retained Part IV of the measure, appropriating \$445,768 for the purpose of operating the community outreach court project.

Your Committee has amended this measure by:

- Adding \$800,000 in each fiscal year to JUD601 Administration for general civil legal services for low- and moderate-income residents;
- (2) Adding one new full-time social worker position to JUD601 Administration, to focus on matters that arise from the Office of the Public Guardian relating to persons with severe mental illnesses;
- (3) Restoring the six positions and courthouse operating expenses in both fiscal years for the new Kona courthouse that were deleted from this measure by the House of Representatives;
- (4) Eliminating thirty-three currently vacant positions, including thirty-one positions in JUD310 and two positions in JUD601, resulting in a reduction of the Judiciary's base budget of over \$1,300,000 in each fiscal year; and
- (5) Restoring capital improvement projects that were deleted by the House of Representatives, comprising:
  - (A) \$1,800,000 for air conditioning improvements for Aliiolani Hale on Oahu;
  - (B) \$850,000 for structural improvements and \$5,510,000 for security updates for Hoapili Hale on Maui; and
  - (C) \$4,240,000 for roof repairs to the Kauai judiciary complex.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 510, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 510, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1427 (Joint) Commerce, Consumer Protection, and Health and Transportation on H.B. No. 241

The purpose and intent of this measure is to establish a task force within the Department of Commerce and Consumer Affairs to develop proposed legislation for the regulation of peer-to-peer motor vehicle sharing companies.

Your Committees received testimony in support of this measure from Turo and Getaround. Your Committees received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs. Your Committees received comments on this measure from the Department of Transportation, Tax Foundation of Hawaii, Enterprise Holdings, and Allstate Insurance Company.

Your Committees find that car peer-to-peer sharing provides convenient and affordable on-demand access to vehicles for the growing number of Americans who do not own cars, or for whom car ownership is cost prohibitive. Your Committees further find that this measure establishes a task force within the Department of Commerce and Consumer Affairs to develop proposed legislation for the regulation of peer-to-peer motor vehicle sharing companies and identify potential issues currently unaddressed by Hawaii law.

Your Committees have heard the concerns raised in testimony that the task force established by this measure does not address regulation of peer-to-peer companies in Hawaii, which are currently operating in the State without any oversight or consumer protection. Your Committees find that convening a task force is not the most prudent course of action at this time, as there is an immediate need to address concerns regarding safety, loss of revenue, and consumer protection.

Your Committees note that the companion to this measure, S.B. No. 662, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, prohibits vehicle lessors from renting, leasing, or offering for rent or lease, vehicles subject to a manufacturer's recall until appropriate repairs are made, defines peer-to-peer vehicle sharing related terms, and requires persons engaging in peer-to-peer vehicle sharing organization business to register with the Director of Taxation. Your Committees conclude that the language in S.B. No. 662, S.D. 2, is preferable because it contains language to immediately effectuate the regulation of peer-to-peer vehicle sharing, which will protect the health, safety, and welfare of the public.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 662, S.D. 2, a measure which:
  - (A) Prohibits vehicle lessors from renting, leasing, or offering for rent or lease, vehicles subject to a manufacturer's recall until appropriate repairs are made;
  - (B) Defines peer-to-peer vehicle sharing related terms; and
  - (C) Requires persons engaging in peer-to-peer vehicle sharing organization business to register with the Director of Taxation; and
- (2) Requiring all vehicles rented or leased by a peer-to-peer vehicle sharing organization to be covered by a motor vehicle insurance policy that meets minimum liability coverage requirements.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 241, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 241, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Nishihara).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1428 (Joint) Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1416

The purpose and intent of this measure is to establish a suicide prevention commission to develop a strategic plan to reduce suicides within Hawaii's correctional facilities.

Your Committees received testimony in support of this measure from the Department of Health, Department of Public Safety, Hawai'i Health and Harm Reduction Center, Community Alliance on Prisons, Hawaii Family Forum, Hawai'i Justice Coalition, Ho'omanapono Political Action Committee, and nine individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that according to the federal Bureau of Justice Statistics, in the period between 2001 and 2014, Hawaii was seventh in the nation for suicides among incarcerated individuals. According to testimony received by your Committees, a study found that the risk of suicide increased at least three-fold for male prisoners compared to the general male population with female prisoners being at least nine times more likely to die from suicide compared to the general female population. The State has an obligation to ensure the life, health, and well-being of those in correctional custody. This measure therefore establishes a suicide prevention commission to examine, evaluate, and determine methods to improve education, awareness, support services, and inmate outreach to best prevent suicides in Hawaii's correctional facilities.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and

purpose of H.B. No. 1416, H.D. 1, and recommend that it pass Second Reading and be referred to your Committee on Ways and

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Chang, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1429 (Joint) Judiciary and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1383

The purpose and intent of this measure is to:

- (1) Decriminalize the possession of three grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200;
- (2) Provide for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of three grams or less of marijuana; and
- (3) Establish a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State.

Your Committees received testimony in support of this measure from Americans for Democratic Action, Community Alliance on Prisons, IMUAlliance, Drug Policy Forum of Hawai'i, Pono Hawai'i Initiative, American Civil Liberties Union of Hawai'i, Marijuana Policy Project, Hawai'i Health and Harm Reduction Center, and forty-five individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, Kaua'i Police Department, Hawai'i County Police Department, Honolulu Police Department, Hawaii Family Forum, and sixteen individuals. Your Committees received comments on this measure from the Judiciary, Akamai Cannabis Clinic, National Organization for the Reform of Marijuana Laws, and Maui Chamber of Commerce.

Your Committees find that ten states and the District of Columbia have legalized the recreational use of marijuana by adults, and that others are in the process of considering legalization. Your Committees further find that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Your Committees additionally find that recent polling indicates broad public support in Hawaii for the legalization of marijuana. This measure decriminalizes the possession of small amounts of marijuana and establishes a task force to make recommendations on marijuana policy for consideration in future sessions of the Legislature.

Your Committees have amended this measure by:

- (1) Making possession of three grams or less of marijuana a violation punishable by a monetary fine of \$30;
- (2) Removing language establishing an adjudication process for the dismissal of criminal charges for marijuana infractions;
- (3) Changing the effective date to February 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1383, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1383, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

#### SCRep. 1430 (Joint) Housing and Agriculture and Environment on H.B. No. 1403

The purpose and intent of this measure is to:

- (1) Require the automatic approval of a permit application submitted for a housing development project that uses monies from the rental housing revolving fund if a county does not issue a decision within sixty days; and
- (2) Exempt projects that are automatically approved from environmental assessment and impact statement requirements.

Your Committees received testimony in support of this measure from the Catholic Charities Hawaii, Hawaii Kai Homeless Task Force, Faith Action for Community Equity, Building Industry Association of Hawaii, Faith Action, and Chamber of Commerce Hawaii. Your Committees received testimony in opposition to this measure from the Office of Environmental Quality Control, City and County of Honolulu Department of Planning and Permitting, and three individuals. Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation and State Environmental Council.

Your Committees find that there is an insufficient amount of affordable housing available in the State, leading to a number of residents leaving Hawaii in search of more affordable living situations. Your Committees further find that one of the largest obstacles to the development of affordable housing is the permitting delays for developers to begin their affordable housing projects. Streamlining the development of affordable housing by instituting an automatic approval under certain circumstances will expedite the construction and development of affordable housing for residents of the State.

Your Committees note the concerns of the Office of Environmental Quality Control regarding the need for a balance between encouraging the development of affordable housing and maintaining the environmental quality of the State and the uncertainty about what actions would fall under state law or rules adopted by the Department of Health, as required under this measure.

Accordingly, your Committees have amended this measure by:

- Clarifying that certain housing project applications shall be approved or disapproved within sixty days of filing a building permit application, rather than within sixty days of submitting a completed application;
- (2) Deleting language that would have exempted certain housing projects from the environmental assessment and impact statement requirements;
- (3) Deleting language that would have repealed the statutory exemption of certain housing projects from the environmental impact statement requirements upon the adoption of Department of Health administrative rules regarding exemptions from the environmental assessment and impact statement requirements; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1403, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1403, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1431 Transportation on H.B. No. 270

The purpose and intent of this measure is to expand the definition of "rebuilt vehicle" to include vehicles that have been rebuilt after sustaining flood damage or material damage to the vehicle's electronics.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received comments on this measure from State Farm Mutual Automobile Insurance Company and Hawaii Automobile Dealers' Association.

Your Committee finds that existing laws inhibit an insurer's ability to use a rebuilt or salvage title when a total loss is retained by the insured for a flooded vehicle or when damage is done to a vehicle's electronics. In order to be considered a "rebuilt vehicle", there must be material damage to its frame, unitized structure, or suspension system, and the cost to repair the vehicle has to be greater than the vehicle's market value. Your Committee finds that although the State experiences frequent storms and is surrounded by salt water, the aforementioned requirements do not take into consideration any flood damage or any damage done to a vehicle's electronics. This measure will protect consumers in the State by updating existing law to reflect the design of modern vehicles and address any damage to certain vehicle components that is caused by flooding.

Your Committee has amended this measure by:

- (1) Inserting a definition of "flood damage" to mean damage caused to any electrical, computerized, or mechanical component of a vehicle that has been submerged in water to the point that rising water has reached over the doorsill and has entered the passenger compartment; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 270, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 270, H.D. 1, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1432 Transportation on H.B. No. 529

The purpose and intent of this measure is to prohibit any vehicle, except for a low-range, four-wheel drive vehicle, from being driven through or in Waipio Valley, except under certain circumstances.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council.

Your Committee finds that Waipio Valley road is one of the steepest roads in the world. A two-wheel car can burn its brakes out on the way down, or stall its engines on the way up due to the numerous twists and turns coupled with a 25 percent grade incline. Your Committee further finds that parts of the slope on Waipio Valley road can reach up to 37 percent gradient, equal to the steepest street in the world. Your Committee also finds that Waipio Valley has gained popularity via social media due to its natural beauty and therefore has attracted individuals unfamiliar with the road, causing potential safety issues. Although there are signs to inform individuals of the dangers of driving on Waipio Valley road, many are ignoring these warnings. This measure will establish stricter penalties regarding the types of vehicles permitted on Waipio Valley road, thereby improving the safety for residents and visitors of the State.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 529, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1433 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 703

The purpose and intent of this measure is to:

- (1) Prohibit any person convicted of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant from purchasing or publicly consuming alcohol during a probationary period; and
- (2) Amend the threshold for habitually operating a vehicle under the influence of an intoxicant.

Your Committees received testimony in support of this measure from the Honolulu Police Department. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from Mothers Against Drunk Driving Hawaii.

Your Committees find that impaired driving continues to be one of the biggest contributing factors to traffic fatalities in the State. Your Committees further find that according to the 2017 Highway Safety Annual Report, in 2016 of the 120 traffic fatalities that occurred in the State, 59.2 percent were caused by someone driving under the influence of alcohol or drugs, which is an increase from 54.8 percent in 2015. Most recently, three individuals lost their lives due to a driver under the influence of an intoxicant. Your Committees believe that more effort needs to be made in order to ensure the safety of all residents and visitors of the State.

Your Committees have amended this measure by:

- (1) Clarifying that the examiner of drivers is required to adopt rules restricting the use of a driver's license issued to a person prohibited from purchasing or publicly consuming alcohol during the probation period invoked pursuant to section 291E-61 or 291E-61.5, Hawaii Revised Statutes;
- (2) Clarifying that the court shall determine when the probation period shall expire;
- (3) Allowing an individual to operate or assume physical control of any vehicle with only an ignition interlock permit in their immediate possession, rather than requiring an ignition interlock permit and a valid state identification card, as suggested by the Honolulu Police Department; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 703, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 703, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

# SCRep. 1434 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 757

The purpose and intent of this measure is to:

- (1) Require the Department of Transportation and appropriate county agencies to adopt vision zero polices to prevent and eliminate traffic fatalities; and
- (2) Establish and appropriate funds for a temporary working group to develop an action plan and make recommendations to prevent traffic fatalities.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Health; Office of the Mayor of the County of Hawai'i; City and County of Honolulu Department of Transportation Services; Blue Zones Project; Kauai Path, Inc.; Hawaii Strategic Safety Plan; Hawaii Bicycling League; Hawai'i Public Health Institute; Mothers Against Drunk Driving Hawaii; one member of the City Council of Honolulu; two members of the Maui County Council; and twenty individuals.

Your Committees find that traffic-related fatalities are on the rise around the nation. In 2018, there were 117 traffic related fatalities and as of February 2019, there were already 19 fatalities. Your Committees further find that vision zero is a multi-national road traffic safety project that aims to achieve a traffic system with no traffic related fatalities or serious injuries. This measure is a step toward decreasing the high number of traffic related fatalities and providing a safe environment for all residents and visitors in Hawaii.

Your Committees have amended this measure by:

- Replacing the temporary vision zero working group with the State Highway Safety Council and requiring the State Highway
  Safety Council to work with each of the county traffic or highway safety councils in developing an action plan;
- (2) Requiring the State Highway Safety Council to report to the Legislature;
- (3) Deleting the membership of the temporary vision zero working group;
- (4) Deleting language that would have disbanded the working group on June 30, 2021;
- (5) Deleting the appropriation; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 757, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 757, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

#### SCRep. 1435 (Joint) Transportation and Government Operations on H.B. No. 857

The purpose and intent of this measure is to:

- (1) Prohibit the operation of a motor scooter within the pedestrian mall that abuts the grounds of the State Capitol and Iolani Palace;
- (2) Appropriate funds for the expansion and development of the makai paved walkway of the pedestrian mall to include a designated bicycle lane; and
- (3) Require the Department of Accounting and General Services, Department of Transportation, and Department of Land and Natural Resources to create a long-term development plan to improve the pedestrian mall to create an attractive and visually impressive pedestrian and bicycle mall.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Land and Natural Resources, Department of Accounting and General Services, Hawaii Bicycling League, Hawaii Pacific Health, Blue Zones Project, Hawaii Public Health Institute, and twenty-one individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that the central location of the State Capitol offers a convenient means of commuting for certain motorists and pedestrians. However, your Committees further find that this convenience has also caused safety and comfort issues for pedestrians due to the use of motor scooters in the pedestrian mall. Your Committees believe that in order to ensure the safety of pedestrians and bicyclists, a bicycle lane should be developed near the State Capitol, Iolani Palace, and the main branch of the Hawaii State Library. This measure will address the needs and safety issues of pedestrians, provide bicyclists with a safer route through the pedestrian mall, and preserve the historic and iconic architecture of the capitol district.

Your Committees have amended this measure by:

- (1) Clarifying that the expansion and development of the makai paved walkway shall include widening the path or creating multiple paths sufficient to separate pedestrians and wheeled vehicles, rather than requiring the path be widened no less than an additional eight feet;
- (2) Requiring the Department of Transportation to consult with the Department of Land and Natural Resources in accordance with section 6E-8, Hawaii Revised Statutes, to ensure that the upgrades visually reflect the historic nature and iconic architecture of the capitol district; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note the concern regarding the potential inclusion of motorized chairs that are being used due to a disability in the definition of a "motor scooter" and request that the Department of Transportation look into this concern to ensure that those with mobility disabilities are not adversely affected by this measure.

Your Committees further note the concern that the Oahu transportation management area metropolitan planning organization revolving fund may not be the proper source of funding for this project and encourages the stakeholders to find an appropriate source of funding as this measure moves on to your Committee on Ways and Means.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 857, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 857, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

## SCRep. 1436 (Joint) Transportation and Commerce, Consumer Protection, and Health on H.B. No. 1093

The purpose and intent of this measure is to:

- (1) Establish rules, regulations, and permitting procedures for transportation network companies;
- (2) Specify that transportation network companies and their drivers are excluded from the Motor Carrier Law;
- (3) Make permanent insurance requirements for transportation network companies and their drivers; and
- (4) Make an appropriation to the Department of Transportation to administer the new rules, regulations, and permitting procedures.

Your Committees received testimony in support of this measure from the Department of Transportation, Lyft, and Uber. Your Committees received testimony in opposition to this measure from Charley's Taxi; Hawaii Transportation Association; Roberts Hawaii,

Inc; Hawaii Passenger and Property Carriers Association; Matsumoto and Clapperton; and a form letter in opposition signed by 174 individuals. Your Committees received comments on this measure from the City and County of Honolulu Department of Transportation Services.

Your Committees find that transportation network companies enhance access to transportation options for residents and visitors of the State by providing a convenient and alternative means of transportation. Your Committees further find that there has been a rise in popularity of transportation network companies in recent years and their services are being utilized by numerous individuals, both as customers and as drivers. Your Committees believe statewide regulation of transportation network companies is necessary to ensure the safety, reliability, and cost-effectiveness of rides provided by transportation network companies.

Your Committees note that Senate Bill No. 1161, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, is a substantially similar measure that, among other things, also establishes rules, regulations, and permitting procedures for transportation network companies operating in the State. Your Committees believe that the language in Senate Bill No. 1161, S.D. 2, is preferable as it addresses concerns provided by Lyft in their testimony, including clarifying the definition of "transportation network company", clarifying transportation network company driver requirements, and distinguishing between service animals and assistance animals.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and replacing it with the contents from Senate Bill No. 1161, S.D. 2, which:
  - (A) Establishes rules, regulations, and permitting procedures for transportation network companies;
  - (B) Makes permanent insurance requirements for transportation network companies and their drivers; and
  - (C) Makes it effective upon approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1093, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1093, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Harimoto).

Commerce, Consumer Protection, and Health: Ayes, 6; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Nishihara).

#### SCRep. 1437 Transportation on H.B. No. 1176

The purpose and intent of this measure is to authorize Department of Transportation law enforcement officers to use electric guns while performing their duties and require them to be accredited in the use of such guns by June 30, 2024.

Your Committee received testimony in support of this measure from the Department of Transportation, Department of the Attorney General, Honolulu County Republican Party, and one individual.

Your Committee finds that electric guns provide law enforcement officers a viable and safer alternative to other potentially deadly firearms when dealing with non-compliant, combative suspects. Existing laws authorize certain law enforcement officers, members of the army, and air national guard to use electric guns. However, existing law does not allow law enforcement officers at state commercial harbors, or harbor police, under the Department of Transportation to carry electric guns. Your Committee further finds that while harbor police are not currently authorized to use electric guns, they are authorized to carry firearms and therefore should also have access to electric guns.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1176, H.D. 1, and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1438 Hawaiian Affairs on H.B. No. 893

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Hawaiian Home Lands under the purview of the House Standing Committee on Water, Land, and Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Hoʻomanapono Political Action Committee, and five individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from one individual.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for items related to the Department of Hawaiian Home Lands' budget to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Transferring two capital improvement project appropriations allocated to the Department of Hawaiian Home Lands for the 2017-2019 fiscal biennium to the Department of Transportation by deleting and lapsing those appropriations, appropriating the same sum to the Department of Transportation for the 2019-2021 fiscal biennium, and making conforming amendments;
- (2) Amending section 1 to reflect its amended purpose;

- (3) Inserting a provision to allow the delegation of implementation of capital improvement projects in this measure to other state or county agencies, under certain conditions; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 893, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 893, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1439 Housing on H.B. No. 334

The purpose and intent of this measure is to:

- (1) Expand eligibility for state-funded individual development accounts to households with income up to 100 percent of the area median income;
- (2) Expand authorized uses of account funds to costs associated with rental housing, public transportation, and purchasing or repairing a motor vehicle;
- (3) Clarify certain requirements for fiduciary organizations;
- (4) Require the Department of Business, Economic Development, and Tourism to certify contributions for purposes of the tax credit;
- (5) Establish requirements for fiduciary organizations to maintain state match funds for individual development accounts; and
- (6) Reactivate the individual development account tax credit for taxable years 2020 through 2024.

Your Committee received testimony in support of this measure from the Department of Taxation, Office of Hawaiian Affairs, Hawaiian Community Assets, Hawaii Credit Union League, Hawaii State Federal Credit Union, Council for Native Hawaiian Advancement, and Hawaii Alliance for Community-Based Economic Development. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism and Tax Foundation of Hawaii.

Your Committee finds that the high costs of living in the State inhibit individuals from obtaining necessary financial security to maintain a sustainable lifestyle in Hawaii. Your Committee further finds that individual development accounts are matched savings accounts that enable low- and moderate-income individuals to save, build assets, obtain stable housing, and ensure a financially secure future. Individual development accounts assist eligible individuals who require financial assistance in building toward an asset, such as buying a home, paying for college, or starting a small business. Your Committee believes that an individual development account would be better utilized if the authorized uses are expanded to include costs associated with rental housing, public transportation, and purchasing or repairing a motor vehicle, as proposed by this measure.

Your Committee has amended this measure by:

- (1) Changing references from the Business Development and Support Division of the Department of Business, Economic Development, and Tourism to the Department of Human Services, thereby reinstating the Department of Human Services as the manager of fiduciary organizations' responsibilities and certifier of individual development account tax credits;
- (2) Clarifying that the State shall match an amount of up to \$100,000 per calendar year for individual development accounts per qualified fiduciary organization in a given year;
- (3) Inserting an effective date of July 1, 2075, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 334, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 334, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1440 Housing on H.B. No. 365

The purpose and intent of this measure is to repeal the exemption of the Hawaii Public Housing Authority (HPHA) from certain administrative supervision by its board of directors regarding personnel matters.

Your Committee received testimony in opposition to this measure from the Hawaii Public Housing Authority and Department of Human Services.

Your Committee finds that existing law exempts HPHA from section 26-35(a)(4), Hawaii Revised Statutes (HRS), which allows for an independent Board of Directors, where each members' vote is of equal weight. The exemption allows HPHA to bypass the Director of Human Services' approval for personnel related issues. Repealing the exemption will hold HPHA accountable to the Director of

Human Services in regard to the employment, appointment, promotion, transfer, demotion, discharge, and job descriptions of all officers and employees under HPHA.

Your Committee notes the concern of HPHA of the potential damaging and unintended consequences of repealing the exemption from section 26-35(a)(4), HRS. Your Committee further notes that HPHA stated in its testimony that the exemption ensures that HPHA is compliant with all United States Department of Housing and Urban Development laws, rules, regulations, and guidance relating to public housing authorities across the nation.

Your Committee also notes the concerns from the Department of Human Services that repealing the exemption from section 26-35(a)(4), HRS, would in essence make the Director of Human Services the Chairperson of the Board of Directors of HPHA, in potential conflict with section 356D-3, HRS, which provides that the Director of Human Services, or a designated representative, shall be an ex officio voting member of the Board of Directors and that the Director of Human Services shall be ineligible to serve as Chairperson of the Board.

Your Committee has amended this measure by inserting an effective date of July 1, 2075, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 365, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 365, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Moriwaki, Thielen). Noes, none. Excused, 1 (Fevella).

#### SCRep. 1441 Housing on H.B. No. 543

The purpose and intent of this measure is to:

- (1) Require the Hawaii Housing Finance and Development Corporation to initiate negotiations or exercise its power of eminent domain to acquire the Front Street Apartments affordable housing project on Maui; and
- (2) Extend the deadline to complete the Leialii affordable housing project on Maui.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Office of the Mayor of the County of Maui, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, ILWU Local 142, Maui Chamber of Commerce, two members of the Maui County Council, and twenty-one individuals. Your Committee received comments on this measure from the LahainaTown Action Committee, Front Street Affordable Housing Partners, and one member of the Maui County Council.

Your Committee finds that recent analyses on Maui's housing situation reveal that approximately 12,448 units are needed to address housing needs by 2025. Of those units, over 75 percent are required for low-income housing purposes. Your Committee further finds that the owners of the Front Street Apartments are opting to remove the project from the affordability requirements, allowing the owners to rent available units at market rates and raise rents for existing tenants by October 2019. Your Committee believes that losing the affordability of the Front Street Apartments will not only reduce the amount of affordable housing in Maui, but also displace many long-time residents.

Your Committee also finds that Act 150, Session Laws of Hawaii 2018 (Act 150), appropriated funds for the construction of another affordable housing project on Maui, the Leialii affordable housing project; however, while development activities and expenditures have commenced, the construction may not be completed by the time provided by Act 150. This measure will preserve necessary affordable housing units on Maui by requiring the State to acquire the Front Street Apartments and extending the deadline to complete the Leialii affordable housing project.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2075, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 543, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 543, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1442 Housing on H.B. No. 1349

The purpose and intent of this measure is to prohibit the Hawaii Community Development Authority from allowing satisfaction of a development project's affordable housing requirement through a cash payment in lieu of providing reserved housing.

Your Committee received comments on this measure from the Hawaii Community Development Authority.

Your Committee finds that there is a severe lack of affordable housing, particularly for low- and moderate-income individuals in the State. Your Committee further finds that existing law authorizes the Hawaii Community Development Authority to accept cash payment from developers in lieu of providing reserved housing. This removes potential affordable housing opportunities for low- and moderate-income individuals. Your Committee believes that prohibiting the Hawaii Community Development Authority from accepting cash payments in lieu of reserved housing for low- and moderate-income individuals will help the State meet its high demand for affordable housing.

Your Committee has amended this measure by inserting an effective date of July 1, 2075, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1349, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1349, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1443 Housing on H.B. No. 476

The purpose and intent of this measure is to:

- (1) Authorize the issuance of general obligation bonds for the construction of housing units; and
- (2) Require, and appropriate funds for, the Hawaii Housing Finance and Development Corporation to provide loans or grants for the development of permanent supportive housing units.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Housing Finance and Development Corporation, Hawaii Kai Homeless Task Force, Partners in Care, Hawaiian Community Assets, Faith Action for Community Equity, HOPE Services Hawaii, Catholic Charities Hawai'i, Hawai'i Health and Harm Reduction Center, ALEA Bridge, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Share Your Mana, and three individuals.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and inserting the contents of Senate Bill No. 351, S.D. 1 (Regular Session of 2019), which:

- (1) Prohibits advertising or subletting a public housing unit and housing subject to an owner or renter occupancy requirement under chapters 201H, 206E, and 356D, Hawaii Revised Statutes, for rental purposes; and
- (2) Requires county police departments to enforce the prohibition.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii Public Housing Authority and Hawaii Housing Finance and Development Corporation. Your Committee received testimony in opposition to the proposed S.D. 1 from the Hawai'i Association of REALTORS.

Your Committee finds that the lack of affordable housing units for residents exacerbates the continuous problem of homelessness in the State. Your Committee further finds that regardless of the severe lack of affordable housing units for the low-income population, there have been cases of individuals renting or subletting public housing units or housing units that are subject to a rental agreement or renter occupancy requirement that is specifically targeted for low-income or affordable housing individuals and families. This practice allows individuals to financially gain from rental income derived from these units and also removes available housing stock from those who most need it, particularly one of the over 8,800 families who are on the waitlist for public housing. The proposed S.D. 1 promotes fairness in housing opportunities by deterring those who are inclined to violate the occupancy limitations of certain housing units.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Including county agencies, in addition to state agencies and private project owners and their managing agents, as an authorized entity to advertise or publicize a housing program of the Hawaii Housing Finance and Development Corporation; and
- (2) Inserting an effective date of upon approval.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 476, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 476, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1444 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 336

The purpose and intent of this measure is to:

- (1) Require the Director of Public Safety, in the event of the death of an inmate who is incarcerated in a state or contracted correctional facility, or the death of a correctional facility or community correctional center employee, to report within 48 hours to the Governor and Legislature certain information regarding the death, subject to state and federal laws; and
- (2) Require the collection and preservation of any human biological specimens for a criminal investigation and potential prosecution if there is any indication of sexual assault leading to the death.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, one councilmember of the Kaua'i County Council, Community Alliance on Prisons, Planned Parenthood Votes Northwest and Hawaii, Hawai'i Friends of Restorative Justice, and eight individuals. Your Committee received comments on this measure from the Department of Public Safety and Hawaii Disability Rights Center.

Your Committee finds that inmate deaths have become a common occurrence in the State's criminal justice system and that information about these deaths is not informative or transparent. In recent years, many suicides have occurred while the inmate was in confinement, many of which were young Native Hawaiians. Your Committee further finds that, in part, this measure is a result of a Kauai prison death in which the Department of Public Safety did not provide full disclosure to the family of the deceased, nor did any elected officials seem to be aware of the death, which occurred in solitary confinement.

Your Committee believes that this measure will improve transparency and urgency in the procedures surrounding the deaths and sexual assaults of inmates and correctional employees by requiring the Director or Department of Public Safety to expediently report inmate and employee deaths to the Governor and Legislature, provide an annual report of inmate and employee sexual assaults, and preserve forensic evidence if there is any indication of sexual assault leading to the person's death.

Your Committee has amended this measure by clarifying that the Department of Public Safety is required to preserve forensic evidence consisting of human biological specimens for collection by the relevant criminal investigation entity or coroner if there is any indication of sexual assault leading to the death of an inmate or correctional employee.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 336, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 336, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1445 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 950

The purpose and intent of this measure is to authorize the Attorney General to issue credentials to allow qualified law enforcement officers to carry concealed firearms in the State, as is permitted by the federal Law Enforcement Officers Safety Act.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of the Attorney General, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Firearms Coalition, Ho'omanapono Political Action Committee, and two individuals.

Your Committee finds that under the Law Enforcement Officers Safety Act certification program, retired officers may be certified to carry concealed firearms only if they pass standardized firearms qualification testing, a medical exam every two years, and a mental health clearance every year. Your Committee further finds that this measure would give the Department of the Attorney General the statutory authority and ability to adopt rules to ensure qualified law enforcement officers are properly certified to carry concealed firearms, and clarify that the Department of the Attorney General is the agency responsible for issuing credentials pursuant to the Law Enforcement Officers Safety Act.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 950, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

#### SCRep. 1446 (Joint) Public Safety, Intergovernmental, and Military Affairs and Government Operations on H.B. No. 1552

The purpose and intent of this measure is to support best practices for an effective correctional system by:

- (1) Establishing the Hawaii Correctional System Oversight Commission; and
- (2) Consolidating the Reentry Commission and Corrections Population Management Commission into the Hawaii Correctional System Oversight Commission and transferring the rights, powers, functions, and duties of the consolidated commissions to the Hawaii Correctional System Oversight Commission.

Your Committees received testimony in support of this measure from the Department of Public Safety, Office of Hawaiian Affairs, Hawai'i State Commission on the Status of Women, County of Hawai'i Office of the Prosecuting Attorney, Community Alliance on Prisons, Common Cause Hawaii, Ho'omanapono Political Action Committee, American Civil Liberties Union of Hawai'i, and five individuals. Your Committees received testimony in opposition to this measure from the Crime Victim Compensation Commission. Your Committees received comments on this measure from the Hawaii Paroling Authority, Sex Abuse Treatment Center, Civil Beat Law Center for the Public Interest, and Mothers Against Drunk Driving Hawaii.

Your Committees find that an increasing number of states are calling for independent oversight of their correctional systems with at least eight states already having established independent oversight mechanisms to monitor and improve their correctional systems. Your Committees further find that independent oversight of the State's correctional system helps ensure personnel and fiscal accountability, supports safe conditions for employees, inmates, and detainees, and provides positive reform to a rehabilitative and therapeutic correctional system.

Your Committees therefore find that the Reentry Commission and Corrections Population Management Commission have overlapping responsibilities and consolidating the commissions into a single, independent oversight commission led by an oversight coordinator and guided by an experienced group of commission members will promote efficiency and provide greater opportunities for member participation.

Your Committees have amended this measure by:

- Adding knowledge of crime victim specialization as one of the preferred qualifications for a member of the Hawaii Correctional System Oversight Commission;
- (2) Deleting language that would have authorized the Hawaii Correctional System Oversight Commission to hold public meetings it deems necessary and to hold executive meetings closed to the public, for certain purposes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1552, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1552, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1447 (Joint) Hawaiian Affairs and Energy, Economic Development, and Tourism on H.B. No. 420

The purpose and intent of this measure is to repeal a provision designating the Hawaii Convention Center as the location for operation of a Hawaiian Center and the Museum of Hawaiian Music and Dance.

Your Committees received testimony in support of this measure from the Hawaii Tourism Authority. Your Committees received comments on this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaii.

Your Committees find that under existing law, \$79,000,000 of transient accommodations tax revenue is allocated per year to the tourism special fund and of that amount, \$1,000,000 is allocated for the operation of a Hawaiian Center and Museum of Hawaiian Music and Dance at the Hawaii Convention Center. However, your Committees further find that the Hawaii Convention Center is currently an unsuitable location for the Hawaiian Center and the Museum due to a need for renovation and repairs to the roof. Your Committees additionally find that the Bishop Museum, officially designated in statute as the State of Hawaii Museum of Natural and Cultural History, is a more appropriate location for the Hawaiian Center and Museum of Hawaiian Music and Dance.

Accordingly, your Committees have amended this measure by:

- (1) Designating the State of Hawaii Museum of Natural and Cultural History as the location for operation of a Hawaiian Center and the Museum of Hawaiian Music and Dance;
- (2) Authorizing the State of Hawaii Museum of Natural and Cultural History to enter into contracts and partnerships for services related to the Hawaiian Center and the Museum of Hawaiian Music and Dance; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 420, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 420, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1448 Commerce, Consumer Protection, and Health on H.B. No. 665

The purpose and intent of this measure is to:

- (1) Exempt health care providers from requirements to consult the electronic prescription accountability system when prescribing controlled substances to a patient in an inpatient setting, for post-operative pain, or when prescribed for a patient in hospice care; and
- (2) Clarify that an informed consent agreement is not required for patients who lack capacity and are receiving treatment in a hospital under the supervision of a licensed health care provider.

Your Committee received testimony in support of this measure from the Department of Public Safety; Hawaii Health Systems Corporation; Healthcare Association of Hawaii; The Queen's Health Systems; Kaiser Permanente Hawai'i; Ohana Pacific Management Company, Inc.; and Hawai'i Pacific Health. Your Committee received comments on this measure from the Hawaii Association for Justice and Drug Policy Forum of Hawaii.

Your Committee finds that the electronic prescription accountability system, commonly known as the prescription drug monitoring system or PDMP, and opioid therapy informed consent process are useful tools to reduce the risk of abuse of or addiction to controlled substances and prevent unintended drug interactions. As medical facilities have begun putting the PDMP and opioid informed consent laws into practice, however, concerns have been raised about how to better address the needs of certain patient populations. Your Committee further finds that patients who are terminally ill and receiving palliative care or who are in an inpatient setting where opioids are administered under direct supervision of a health care provider face a lower risk of opioid abuse compared to opioid users in out-patient settings.

Your Committee has heard the testimony regarding the provision in this measure that removes the need for the opioid therapy informed consent process for certain high-risk opioid patients who are incapacitated and receiving care at a hospital. Your Committee notes that a group of interested stakeholders met and have reached an agreement to remove this language. An amendment to this measure is therefore necessary to reflect this consensus agreement.

Your Committee has amended this measure by:

(1) Clarifying that the PDMP does not need to be consulted for a patient who is directly administered a drug under the supervision of a licensed health care provider; provided that the PDMP is consulted when the patient is initially admitted for inpatient care at a hospital;

- (2) Clarifying that the PDMP does not need to be consulted when a patient has a terminal disease and is receiving hospice or other palliative care;
- (3) Removing language that would have exempted individuals lacking capacity and receiving treatment at a hospital under the supervision of a licensed health care provider from the opioid therapy informed consent process;
- (4) Inserting an effective date of July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 665, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 665, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 1449 Commerce, Consumer Protection, and Health on H.B. No. 1163

The purpose and intent of this measure is to authorize a financial institution that is a depository institution to conduct savings promotion contests in which its account holders are contestants.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that asset savings are a financial barrier for many people. Financial institutions across many states have implemented savings promotion contest programs that provide incentives in the form of prizes that can be won in exchange for customers depositing funds for the purpose of saving. However, due to the State's stringent laws prohibiting gambling, these types of programs are not available in Hawaii. This measure enables financial institutions to offer programs that encourage asset savings, which could help people achieve their financial goals.

Your Committee has heard the concerns raised in testimony by the Department of Commerce and Consumer Affairs that this measure may have certain unintended consequences. Therefore, amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that this measure also includes prize-linked savings contests conducted by financial institutions;
- (2) Deleting language that would have required a savings promotion contest to ensure that each entry had an equal chance of winning a designated prize, as other states allow contestants to receive an entry for various types of transactions, not just deposits;
- (3) Clarifying the definition of "financial institutions";
- (4) Specifying that deposits made by a consumer into a savings account or other savings program shall remain under the ownership of the consumer;
- (5) Clarifying that a financial institution that offers savings promotions or prize-linked savings contests shall comply with federal requirements applicable to such contests;
- (6) Clarifying that a savings promotion or prize-linked savings contest shall not constitute gambling unless the chance to win a prize requires consideration and clarifying that consideration shall not include:
  - (A) The deposit of a specified minimum amount of money into a savings promotion or prize-linked savings account that results in an entry in a savings promotion or prize-linked savings contest;
  - (B) The interest earned, if any, on the consumer's savings promotion or prize-linked savings contest account; provided that the interest rate for that account is lower than that of a comparable account; and
  - (C) Any fee or amount to administer or maintain the savings promotion or prize-linked savings account; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1163, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1163, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 1450 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on H.B. No. 991

The purpose and intent of this measure is to:

- (1) Apply the protections of the state Civil Relief for State Military Forces law to persons serving on full-time National Guard duty under title 32 United States Code section 101, et seq.; and
- (2) Align the Hawaii Revised Statutes with the federal Servicemembers Civil Relief Act, title 50 United States Code chapter 50 sections 3901 through 4043.

Your Committees received testimony in support of this measure from the Department of Defense and two individuals.

Your Committees find that the federal Servicemembers Civil Relief Act (SCRA) provides a wide range of legal protections for members of the armed services who are called to military duty. For example, the SCRA has provisions to prevent landlords from evicting a deployed tenant.

Your Committees further find that a coverage gap exists for servicemembers serving on full-time National Guard duty in the State. The SCRA covers Title 32 service members mobilized to respond to a national emergency declared by the President, but this provision does not extend to service members on full-time National Guard duty pursuant to Title 32, nor are these members covered by the State's Civil Relief for State Military Forces law under chapter 657D, Hawaii Revised Statutes. This measure cures this coverage gap by amending chapter 657D, Hawaii Revised Statutes, to provide servicemembers similar protections as afforded by the SCRA.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 991, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 991, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1451 Higher Education on H.B. No. 1541

The purpose and intent of this measure is to establish and appropriate funds for the Hawaii gun violence prevention center and staff within the University of Hawaii to research strategies to prevent gun violence.

Your Committee received testimony in support of this measure from the University of Hawai'i System. Your Committee received testimony in opposition to this measure from the Hawaii Rifle Association, Hawaii Firearms Coalition, Hawaii Hunting Association, and fifty-eight individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that gun violence is a significant public health and public safety problem. Across the nation, rates of fatal gun violence have remained essentially unchanged for more than a decade, as declines in homicide have been offset by increases in suicide. Your Committee further finds that there is a lack of research about gun violence and its prevention. Therefore, this measure would allow the University of Hawaii to conduct the necessary research to analyze and develop strategies to prevent gun violence in the State.

Your Committee has amended this measure by:

- Specifying that proceeds from criminal asset forfeitures may be deposited into the Hawaii gun violence prevention center special fund and making a conforming amendment to section 712A-16, Hawaii Revised Statutes;
- (2) Deleting language that would have allowed the Hawaii gun violence prevention center special fund to provide grants to counties for gun violence prevention; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1541, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1541, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1452 Higher Education on H.B. No. 1547

The purpose and intent of this measure is to appropriate funds for:

- (1) The University of Hawaii to provide all student-athletes enrolled at the university with two additional meals per day; and
- (2) The University of Hawaii athletics program.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that educational institutions that are Division I members of the National Collegiate Athletic Association, such as the University of Hawaii, are allowed to provide meals to student-athletes as a benefit incidental to participation in intercollegiate athletics. Additionally, these institutions are also allowed to provide a student-athlete with financial aid, including a board allowance consisting of the value of the maximum meal plan that is available to students. Although the National Collegiate Athletic Association allows for incidental meals and snacks for student-athletes out of season, the University of Hawaii only provides its student-athletes with one meal per day incidental to participation while the student-athletes are in season. This measure would provide support to ensure the health and wellness of student-athletes at the University of Hawaii.

Your Committee has amended this measure by:

 Clarifying findings related to the bylaws of the National Collegiate Athletic Association that allow Division I members to provide incidental meals to student-athletes;

- (2) Specifying that the appropriated funds shall be used to provide all student-athletes at the University of Hawaii with a meal incidental to competition and snacks as permitted by National Collegiate Athletics Association bylaws;
- (3) Specifying that if the appropriated funds are used to provide meals for student-athletes incidental to participation to competition during the off-season, the incidental meal shall be in conjunction with a team workout;
- (4) Specifying that the appropriated funds shall cover up to seventy-five percent of the costs associated with providing meals incidental to competition and snacks for student-athletes;
- (5) Specifying that an athletic fundraising entity associated with the University of Hawaii, such as Ahahui Koa Ānuenue, the University of Hawaii athletics department, or extramural funding shall cover twenty-five percent of the costs associated with providing meals incidental to competition and snacks for student-athletes;
- (6) Deleting language that would have appropriated funds for the University of Hawaii athletics program; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1547, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1547, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

## SCRep. 1453 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on H.B. No. 288

The purpose and intent of this measure is to require:

- (1) Lot owners in a subdivision to pay for the management, maintenance, and repair of subdivision roads where the applicable deeds do not specify a requirement or are otherwise subject to chapter 421J, Hawaii Revised Statutes, and require the counties to provide support for applicable assessments; and
- (2) The counties to provide oversight of assessments for management, maintenance, and repair of subdivision roads and other infrastructure in housing subdivisions where no oversight authority has already been established.

Your Committees received testimony in support of this measure from four individuals.

Your Committees find that some housing subdivisions in the State have been approved without a requirement that the lot owners fund the maintenance of private roads and other infrastructure within the subdivision. Unlike condominium property regimes, many housing subdivisions are not subject to a statutory framework, nor do they have an oversight agency for the creation, monitoring, training, and auditing of the various associations responsible for subdivision maintenance. Your Committees also find that existing oversight consists of a patchwork system of judgments from various lawsuits that does not provide adequate oversight.

Your Committees further find that subdivision road maintenance in areas affected by a natural disaster, such as Puna, on Hawaii island, could use additional subdivision road maintenance support and oversight.

Your Committees have amended this measure by:

- (1) Making it applicable only to counties with a population between 175,000 and 250,000 people; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 288, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 288, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1454 Education on H.B. No. 245

The purpose and intent of this measure is to expand the powers of the Hawaii Teacher Standards Board to include approving professional development courses and programs necessary for teacher reclassification.

Your Committee received testimony in support of this measure from the Hawaii Teacher Standards Board and Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that professional development for teachers is essential to building capacity in response to the ever-changing demands of the teaching workforce. Because the Hawaii Teacher Standards Board is the entity that certifies teachers, the Board is aware of the current standards for teachers. This measure ensures that there is a wide variety of relevant professional development courses available for Hawaii public school teachers to expand their expertise and better equip them to teach Hawaii's children.

To assist the Committee on Ways and Means with its deliberation on this measure, your Committee notes that an appropriation amount of \$100,000 and one full-time equivalent (1.0 FTE) position for the Hawaii Teacher Standards Board may be necessary for the added responsibility of approving professional development courses and programs necessary for teacher reclassification.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 245, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1455 Education on H.B. No. 318

The purpose and intent of this measure is to:

- Require and appropriate funds for the Department of Education to establish a staggered school start times task force to study
  and evaluate the issues and implications of instituting a staggered school start times program in Hawaii's public school system;
- (2) Require the staggered school start times task force to submit a report to the Legislature no later than twenty days prior to the Regular Session of 2020.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the Centers for Disease Control and Prevention has urged a later start time of 8:30 a.m. for middle and high school students. However, federal data for the 2015-2016 school year indicates that over eighty-five percent of public high schools start before 8:30 a.m. Therefore, staggered start times for Hawaii's schools should be studied to determine the impact of this component in the overall establishment of an educational system that produces the best learning environment for Hawaii's elementary, middle and intermediate, and high school students.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 318, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

#### SCRep. 1456 Education on H.B. No. 1070

The purpose and intent of this measure is to prohibit public schools from being required by the Department of Education to expend their own school funds to maintain any geographically disadvantageous land on or adjacent to its property.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that certain public schools have geographical features, such as streams or rough terrain, on or adjacent to their property and have been required to expend their own school funds to maintain these features. Since all public schools do not have streams or rough terrain on or adjacent to their property, schools that do should not be unfairly disadvantaged. This measure ensures fairness in schools' financial resources, allowing for more resources to be better spent on actual education-related needs.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1070, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1457 Education on H.B. No. 250

The purpose and intent of this measure is to:

- (1) Establish and appropriate funds for the Hawaii keiki: healthy and ready to learn program within the Department of Education;
- (2) Appropriate funds to establish school health service coordinators in the Department of Health and Department of Human Services and a vision screening and eye assessment tool appropriate for children in kindergarten through grade twelve.

Your Committee received testimony in support of this measure from the Department of Education, University of Hawai'i System, State Public Charter School Commission, Hawai'i State Center for Nursing, Hawaii State Teachers Association, Project Vision Hawai'i, HE'E Coalition, Hawai'i Primary Care Association, and two individuals. Your Committee received comments on this measure from the Department of Budget and Finance; Department of Human Services; Department of Health; and American Academy of Pediatrics, Hawaii Chapter.

Your Committee finds that the Hawaii keiki: healthy and ready to learn program has expanded access to health services for many of the State's students. School-based services such as early eye screenings and oral hygiene services for vulnerable keiki in pre-kindergarten through high school can improve academic outcomes and increase children's opportunities for economic achievement.

Your Committee further finds that in 2015, the Legislature appropriated general funds to improve access to, and increase the quality of, health services available to Hawaii's public school students. This appropriation led to the expansion of the Hawaii keiki program: healthy and ready to learn program, with five advanced practice registered nurses and five registered nurses serving seven complex areas across three islands. During this time, the Hawaii keiki program: healthy and ready to learn program also established five school-based health centers. This measure continues to improve access to and increase the quality of health services available to

Hawaii's public school students by formally establishing the Hawaii keiki program: healthy and ready to learn program and providing it with funding to expand and sustain the program.

Your Committee notes that the University of Hawaii School of Nursing recommends an additional \$256,000 appropriation for electronic school health records.

Your Committee has amended this measure by:

- (1) Exempting the Hawaii keiki: healthy and ready to learn special fund from section 36-30, Hawaii Revised Statutes, regarding reimbursements for departmental administrative expenses;
- (2) Specifying that the administration of medication by a school health aide shall be approved by the Department of Health or other on-campus, school-based, health care provider pursuant to a written agreement with the Department of Education; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 250, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 250, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1458 Education on H.B. No. 1530

The purpose and intent of this measure is to establish and appropriate funds for the teacher mentor incentive program within the Department of Education.

Your Committee received testimony in support of this measure from the University of Hawaii'i System, Hawaii State Teachers Association, HawaiiKidsCAN, and ten individuals. Your Committee received comments on this measure from the Department of Education

Your Committee finds that it is critical for new teachers to receive mentoring and guidance as they enter the profession. The current teacher mentoring program within the Department of Education lacks adequate, ongoing compensation for classroom mentors who contribute additional time, duties, and expertise to support pre-service and school-level mentees. This situation results in stressed relationships with mentees and a lack of willingness to voluntarily engage in mentoring since mentors must dedicate a significant amount of their time during the school year. This measure provides a monetary bonus for mentors to increase satisfaction for mentors and mentees, encourage mentors to commit to investing in their mentees, and attract and retain teacher mentors to participate in the teacher mentoring program.

Your Committee has amended this measure by:

- (1) Specifying that the amount of the incentive offered as part of the teacher mentor incentive program shall be subject to collective bargaining, rather than \$1,500; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1530, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1530, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1459 Education on H.B. No. 1274

The purpose and intent of this measure is to require and appropriate funds for the Department of Education to enter into a contract or agreement with one or more entities to develop and implement computer science professional development programs directly accessible to teachers.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, HawaiiKidsCAN, and Code.org. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that there is a disparity between the demand for computer science education and its availability as only forty percent of schools offer such courses. The integration and prioritization of computer science curriculum in public schools begins with teachers receiving relevant training. This measure ensures that teachers will receive high-quality professional development in computer science to prepare students for fields related to computer science that have the potential to drive job growth and innovation throughout the State's economy.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1274, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1460 (Joint) Higher Education and Commerce, Consumer Protection, and Health on H.B. No. 654

The purpose and intent of this measure is to appropriate funds to the University of Hawaii Cancer Center to determine whether Hawaii has the highest incidence in the country of liver and bile duct cancer due to liver fluke infection, aflatoxin ingestion, or intrahepatic bile duct dilation.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Department of Health, American Cancer Society Cancer Action Network, Adon Renewables, and seven individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that liver cancer in Hawaii occurs at extremely high rates. According to the United States Centers for Disease Control and Prevention and the Hawaii Tumor Registry, Hawaii has had the highest or second highest rate of liver cancer among all of the states in recent years. However, because the common causes of liver cancer in Hawaii are near the national average, other factors may be contributing to the high occurrence of liver cancer in the State. While this measure provides support for the University of Hawaii Cancer Center to study the high incidence of liver and bile duct cancer, your Committees believe that it is important that the Center use these funds to better understand the etiologies of liver and bile duct cancer, with specific attention to disparities across different racial and ethnic groups, in order to inform public health and medical interventions to reduce the burden of this disease.

Accordingly, your Committees have amended this measure by:

- (1) Specifying that the appropriated funds shall be used for the University of Hawaii Cancer Center to determine the etiologies of the high incidence of liver and bile duct cancer in Hawaii and clarifying the findings to better delineate the purpose of the funding;
- (2) Specifying that the University of Hawaii Cancer Center shall be required to submit a progress report and final report on its findings and how funds were spent to the Legislature prior to the Regular Sessions of 2020 and 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 654, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 654, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella). Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

## SCRep. 1461 Commerce, Consumer Protection, and Health on H.B. No. 673

The purpose and intent of this measure is to:

- (1) Provide a process for the voluntary or involuntary sale or transfer of a dispensary license;
- (2) Allow physician assistants to provide written certification for medical cannabis for qualifying patients;
- (3) Allow licensed dispensaries to have up to two manufacturing or processing centers separate from their production facilities;
- (4) Allow dispensaries to operate on state and federal holidays;
- (5) Require all dispensary and related facilities to conform with all county zoning and building code requirements;
- (6) Allow licensed dispensaries to purchase medical cannabis or manufactured cannabis products from another licensed dispensary with approval from the Department of Health in the event crop failure could affect patient access; and
- (7) Allow licensed dispensaries to manufacture and distribute edible cannabis and cannabidiol products.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of the measure except the section that provides a process for the voluntary or involuntary sale or transfer of a dispensary license.

Your Committee received testimony in support of this measure or the proposed S.D. 1 from the Department of Health, Noa Botanicals, Hawai'i Educational Association for Licensed Therapeutic Healthcare, Drug Policy Action Group, and over fifty individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure or the proposed S.D. 1 from the Drug Policy Forum of Hawai'i, Akamai Cannabis Clinic, Community Alliance on Prisons, and two individuals.

Your Committee finds that medical cannabis dispensaries are vital to ensuring medical cannabis patients have adequate access to medical cannabis. Your Committee further finds that the law as written does not allow for the sale or transfer of a dispensary license under any circumstance, even in the event of the death or incapacity of the individual licensee. Instead, when an individual licensee is unable or unwilling to perform the licensee's functions, the Department of Health must revoke the dispensary's license and close the dispensary. Your Committee finds that the number of medical cannabis dispensaries is already limited and further reducing this number could impede patient access to medical cannabis. The proposed S.D. 1 helps ensure that qualifying patients have uninterrupted access to medical cannabis dispensaries going forward.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

Prohibiting an employer from discriminating against a person in hiring, termination, or conditions of employment based on the
person's status as a qualifying patient, with certain exceptions;

- (2) Prohibiting an employer from taking action against an employee based the employee's status as a qualifying patient or if that employee's drug test is positive for cannabis or its components, with certain exceptions;
- (3) Updating its purpose section;
- (4) Inserting an effective date of July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 673, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 673, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Ruderman, Thielen). Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1462 (Joint) Government Operations and Labor, Culture and the Arts on H.B. No. 158

The purpose and intent of this measure is to require that contractors for government service contracts submit certified payrolls to demonstrate compliance with wage and hour requirements.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services; Hawaii Regional Council of Carpenters; Hawaii Laborers-Employers Cooperation and Education Trust; Hawai'i Construction Alliance; and Hawaii Laborers Union, Local 368. Your Committees received comments on this measure from the Department of Labor and Industrial Relations.

Your Committees find that in contrast to government-sponsored public works projects, where construction wages can be clearly verified through submission of certified payrolls, there is currently no mechanism to ensure that workers on government service contracts are also being paid correctly. This measure requires contractors to maintain and submit certified payrolls, which will help ensure that workers are paid the correct wages and receive adequate compensation for what can be hazardous and difficult work.

However, your Committees have heard and acknowledge the testimony of the Department of Labor and Industrial Relations, Department of Accounting and General Services, and Hawaii Laborers-Employers Cooperation and Education Trust expressing concerns regarding the implementation and enforcement of this measure and whether the overly broad language in this measure may have unintended consequences on certain other contracts. Amendments to this measure are therefore necessary.

Your Committees respectfully encourage the Department of Labor and Industrial Relations, Department of Accounting and General Services, Hawaii Laborers-Employers Cooperation and Education Trust to continue working together to further refine the language amending section 103-55, Hawaii Revised Statutes, and specifically address whether a weekly requirement to pay mechanics and laborers is an appropriate standard industry practice.

Your Committees have amended this measure by:

- Requiring a contractor or subcontractor to pay all mechanics and laborers employed on a job site the full amount of their wages and not less often than once a week;
- (2) Permitting the governmental contracting agency to withhold from the contractor so much accrued payments that are necessary to pay the difference between required wages and wages received to the mechanics and laborers;
- (3) Requiring the contractor to maintain payroll records for all laborers and mechanics and submit certified copies of payroll records every week to the governmental contracting agency for review;
- (4) Specifying penalties for contractors who fail to properly keep, provide information regarding, or submit payroll records; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 158, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 158, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella). Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 1463 Government Operations on H.B. No. 1381

The purpose and intent of this measure is to prohibit former legislators and executive branch employees subject to Senate confirmation from engaging in lobbying for twenty-four months after termination of employment as a legislator or executive branch employee.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commissions, League of Women Voters, and one individual.

Your Committee finds that it is in the public interest to minimize any influence by lobbyists over the State's elected officials and certain other government employees. Creating an element of durational separation between private employers and their hired lobbyists prior to any formal engagement with certain government employees would promote good governing. Accordingly, this measure promotes good government by prohibiting elected officials and executive branch employees subject to Senate confirmation from

representing other interests before the State and colleagues with whom they have served, for twenty-four months after termination of their respective positions.

Your Committee notes the concerns raised in testimony that this measure may impact the State's ability to recruit and maintain talented public servants. Your Committee believes strong post-employment restrictions maintain and improve the public's trust in state government but understands that these restrictions must also be balanced so as to not have an overly adverse effect on recruitment of public servants.

Your Committee has amended this measure by:

- (1) Reinstating the existing statutory twelve month period of restriction following the termination of a former legislator's employment;
- (2) Restricting former executive branch employees, who were employed in a position requiring Senate confirmation, from engaging in lobbying for twelve, rather than twenty-four, months after termination of employment;
- (3) Inserting an effective date of July 1, 2020; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1381, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1381, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1464 Government Operations on H.B. No. 483

The purpose and intent of this measure is to extend the deadline for the Legislative Reference Bureau to complete its study of existing Title IX enforcement practices and procedures at the federal level and in other jurisdictions.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commissions, Hawai'i State Commission on the Status of Women, The Sex Abuse Treatment Center, American Association of University Women of Hawaii, Pride at Work Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and four individuals. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that Title IX of the Education Amendments of 1972 (Title IX), renamed the Patsy Mink Equal Opportunity in Education Act, prohibits discrimination on the basis of sex by any educational program or activity receiving federal funds. Your Committee also finds that Title IX has given millions of girls and women educational opportunities in the classroom and on playing fields; in research, teaching, and graduate schools; and in employment, medicine, law, and other professions.

However, your Committee recognizes that the efficacy of Title IX federal protections against sex discrimination in education has been diminished and eroded. For these reasons, in 2018 the legislature passed a corollary to Title IX in state law. Act 110, Session Laws of Hawaii 2018 (Act 110), prohibits discrimination on the basis of sex, including sexual orientation, gender identity, or gender expression, in any state educational program or activity, or in any educational program or activity that receives state financial assistance, without regard to whether the educational program or activity also receives federal funds. Act 110 also directs the Legislative Reference Bureau to conduct a study of existing federal Title IX procedures and enforcement, in addition to examining Title IX corollaries in other jurisdictions. The Legislative Reference Bureau was to submit its report in advance of the convening of the regular session of 2019. However, the study is still in progress.

Your Committee notes that Act 110 takes effect on January 1, 2020. However, given the recent dramatic changes to the federal Department of Education's Title IX guidance and potential changes to the Title IX regulation, your Committee finds that it is important to ensure that Act 110 is aligned with the same narrow gender-segregated activities as permitted in federal law that were in effect on January 1, 2019, specifically, the narrow exceptions applicable to same-sex dormitories and limited same-gender social clubs. Your Committee notes that the caveat regarding the effective date is necessary to ensure the existing minimum limitations in federal law are incorporated into Hawaii's corollary law, in the event the current federal administration changes the law to permit broader exceptions.

Accordingly, your Committee has amended this measure by:

- Amending Act 110, Session Laws of Hawaii 2018, to incorporate federal law regarding Title IX, which permits a narrow
  exception from Title IX for same-sex living facilities and membership practices of social fraternities, social sororities, and
  certain youth service organizations;
- (2) Changing its effective date to upon approval; provided that the amendments made to section 2 of Act 110, Session Laws of Hawaii 2018 shall take effect on January 1, 2020, to correspond with the effective date of Act 110; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 483, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 483, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1465 Government Operations on H.B. No. 1146

The purpose and intent of this measure is to:

- (1) Require that past performance be considered in future bid selection of contractors for sole source contracts and any competitive sealed bid or proposal contracts that exceed the small purchase threshold; and
- (2) Require procurement officers to consider specific factors, including past performance, when making a determination of offeror responsibility.

Your Committee received testimony in support of this measure from the State Procurement Office and one individual. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services and Department of Design and Construction of the City and County of Honolulu. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the procurement process is in need of clear legislative direction to award state contracts to responsible bidders or offerors through the state procurement process, increase accountability with performance on state contracts, and more efficiently utilize taxpayer dollars. Some state contracts may currently be awarded to the lowest bidder through the invitation for bid process without regard to poor past performance. Such bidders may be considered qualified despite poor performance on state, federal, or private contracts in the past, which may result in repeated inefficiencies and substandard work.

Your Committee has amended this measure by:

- (1) Establishing an initial procurement working group;
- (2) Inserting an appropriation of \$250,000, including \$50,000 for the development and implementation of a statewide past performance database and \$200,000 to outsource two full-time equivalent positions to assist with the implementation of this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that as this amended measure moves through the legislative process, it is your Committee's intent for part II to be effective upon approval, the appropriation in part III to take effect July 1, 2019, and part I to have a sunrise date, which will take effect only after the completion of work by the initial procurement working group established under part II.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1146, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1146, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1466 (Joint) Human Services and Housing on H.B. No. 257

The purpose and intent of this measure is to:

- (1) Authorize the use of private lands for the Ohana Zones pilot program;
- (2) Extend the ohana zones pilot program to June 30, 2022; and
- (3) Extend the emergency department homelessness assessment pilot program and the medical respite pilot program to June 30, 2020.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness, Department of Human Services, Department of Land and Natural Resources, Office of the Mayor of the County of Hawai'i, Hawaii Island HIV/AIDS Foundation, Hawaii Kai Homeless Task Force, The Queen's Health Systems, HOPE Services Hawai'i, Kona Alano Club, and four individuals. Your Committees received testimony in opposition to this measure from eight individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that safe zones provide a housing alternative for homeless individuals and families. Your Committees further find that Act 209, Session Laws of Hawaii 2018 (Act 209), established an ohana zones pilot program to provide safe zones for the homeless population in the State. Ohana zones are designed to assist individuals and families experiencing homelessness find and transition into permanent housing and provide them with necessary services. This measure broadens the scope of the ohana zones pilot program by allowing for public-private partnerships on private land, thereby expediting the construction of appropriate housing for individuals and families experiencing homelessness.

Your Committees have amended this measure by:

- Requiring a written agreement between a state or county agency and private land owner rather than requiring a memorandum
  of understanding between a private land owner and a state or county agency to use private land as an ohana zone, and
  specifying the requirements of the written agreement;
- (2) Requiring that private lands have basic existing infrastructure prior to being used as an ohana zone;
- (3) Specifying that if the private land ceases to be used for an ohana zone or low-income housing before the end of the time specified in the written agreement, the state agency may move the structure off the private land to another location of its choosing;
- (4) Requiring the ohana zone pilot program to allow for off-the-grid infrastructure technologies that can provide drinking water, electricity, and process sewage without existing infrastructure;

- (5) Extending the deadline for the Department of Human Services to implement the ohana zones pilot project, including extending the sunset date of the project; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 257, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 257, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella). Housing: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 1467 Human Services on H.B. No. 1554

The purpose and intent of this measure is to appropriate or authorize funds, amend positions, or amend means of financing for various operating expenses of the Department of Human Services.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Department of Human Services, Department of Transportation, Department of Land and Natural Resources, Catholic Charities Hawai'i, Roman Catholic Church in the State of Hawaii, HOPE Services Hawai'i, Hawaii Kai Homeless Task Force, Partners in Care, and one individual. Your Committee received comments on this measure from the Hawai'i Primary Care Association.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Human Services in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee notes that S.B. No. 474, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, and S.B. No. 474, S.D. 1 (Regular Session of 2019), which was previously passed by your Committee, are similar measures appropriating and authorizing funds for various operating expenses of the Department of Human Services. Your Committee concludes that the line items in S.B. No. 474, S.D. 2, and the appropriation amounts in S.B. No. 474, S.D. 1, are preferable because they best reflect the current needs of the Department of Human Services.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its line items and replacing them with the line items contained in S.B. No. 474, S.D. 2;
- (2) Inserting the appropriation amounts from S.B. No. 474, S.D. 1 for the line items contained in S.B. No. 474, S.D. 2;
- (3) Including an appropriation in the amount of \$5,000,000 in general funds for stored property and debris removal services for state lands (HMS224);
- (4) Including an appropriation for the Hawaii Public Housing Authority's operating budget (HMS222);
- (5) Consolidating the appropriations for the in-community youth programs (HMS501);
- (6) Including an appropriation to fund five existing permanent social worker positions, which is a trade-off from the elimination of three permanent youth correction officer positions and transferring personal services funds (HMS503);
- (7) Restoring the vocational rehabilitation fringe benefits;
- (8) Removing the appropriation to fund the Commission on the Status of Women (HMS888);
- (9) Including a capital improvement project appropriation for the Hawaii youth correctional facility (HMS503);
- (10) Including an appropriation for Ho'opono flood zone remediation (HMS802);
- (11) Converting the public information officer position from a temporary position to a permanent position; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee's intent in recommending this amended measure for passage is for the adjustments expressed to be incorporated into the General Appropriations Act of 2019 or other appropriate legislative vehicle or to be adopted separately. As such, your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1554, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1554, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1468 Government Operations on H.B. No. 889

The purpose and intent of this measure is to establish the Office of Public-Private Partnership to help the State and the counties undertake certain capital improvement projects in a more efficient and cost-effective manner by allowing more innovative project delivery methods.

Your Committee received testimony in support of this measure from the Department of Transportation; State Procurement Office; Office of Planning; Hawaii State Public Library System; and Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from the United Public Workers, AFSCME, Local 646, AFL-CIO and two individuals. Your Committee received comments on this measure from the Chamber of Commerce Hawaii; Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO; and American Institute of Architects.

Your Committee finds that Hawaii is faced with limited, if not declining, government funding. This trend is expected to continue, increasing the importance of leveraging limited governmental resources and partnering with the private sector.

Your Committee also finds that in a public-private partnership project, the public agency retains ownership and substantial control of the project, but transfers certain responsibilities to the private partner. The aim of a public-private partnership is to provide the best value and performance in the delivery of assets and services for the benefit of the general public. This measure establishes the Office of Public-Private Partnership and the position of the Public-Private Partnership Coordinator, thereby encouraging more cost effective undertakings of capital improvement projects.

Your Committee has amended this measure by:

- (1) Establishing an internal public-private partnership working group within the Department of Accounting and General Services, instead of an Office of Public-Private Partnership;
- (2) Requiring the working group to submit an annual report to the Legislature, prior to the convenings of the Regular Sessions of 2020, 2021, 2022, 2023, 2024, and 2025;
- (3) Clarifying that the appropriation in this measure includes converting a vacant position in the Public Works Division to be the Public-Private Partnerships Coordinator;
- (4) Inserting a sunset date of January 1, 2025, for the public-private partnership working group; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 889, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 889, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1469 (Joint) Government Operations and Labor, Culture and the Arts on H.B. No. 999

The purpose and intent of this measure is to:

- (1) Permanently exempt from the State's civil service laws certain government positions;
- (2) Temporarily exempt from civil service certain positions in the Med-QUEST Division and the Director's office of the Department of Human Services.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness, Department of Human Services, Hawai'i Health & Harm Reduction Center, Early Childhood Action Strategy, Catholic Charities Hawai'i, and Partners in Care. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the Department of Human Services has one of the largest operating budgets of any state department and an equally large staff. Your Committees also find that the complexity and magnitude of benefits and services that the Department of Human Services is responsible for delivering to state residents requires the ability to attract and retain qualified, experienced, and innovative individuals with the requisite subject matter expertise to transform the Department into an efficient and performance based entity. The positions exempted by this measure are required to effectively lead and manage the Department of Human Services' programs, improve access to services and quality of services, improve the working conditions at the Department, establish and maintain clear communication, and establish collaborative relationships with numerous departments, agencies, and interested stakeholders.

Your Committees further find that the Governor's Coordinator on Homelessness is a temporary position that was first established in 2011 in the Director of Human Services' Office. The Coordinator serves as the Chair of the Hawaii Interagency Council on Homelessness and has worked alongside the Governor, his cabinet, and the Council to adopt a comprehensive framework and strategic plan to address homelessness. This measure recognizes the necessity of a statewide homeless coordinator who can address the complex issues of homelessness by codifying the position of the Governor's Coordinator on Homelessness in statute.

Your Committees note that, with the exception of the Executive Director of the State Commission on Fatherhood, the positions in this measure are either already established and filled or in the process of being filled. As this measure moves through the legislative process, your Committees note that the effective date of this measure should be upon approval, so as not to jeopardize the employees in these positions.

Your Committees have amended this measure by:

- (1) Removing language that would have permitted the State Commission on Fatherhood to appoint an Executive Director; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 999, H.D. 1, as amended herein,

and recommend that it pass Second Reading in the form attached hereto as H.B. No. 999, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4; Ayes with Reservations (Inouye). Noes, none. Excused, 1 (Fevella).

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 1470 (Joint) Hawaiian Affairs and Higher Education on H.B. No. 402

The purpose and intent of this measure is to serve as an interim measure to:

- Establish the Office of Hawaiian Affairs' annual pro rata share of the public land trust beginning with the 2019-2020 fiscal year;
- (2) Determine the amounts received from the use of the public land trust that were underpaid to the Office of Hawaiian Affairs between July 1, 2012, and June 30, 2019, and appropriate that amount, less the funds in the carry-forward trust holding account, to the Office of Hawaiian Affairs;
- (3) Require the Director of Finance to:
  - (A) Determine the amount of receipts transferred by any agency that collects public land trust receipts to the Office of Hawaiian Affairs; and
  - (B) Determine whether the amount transferred to the Office of Hawaiian Affairs is less than or more than a certain amount and address deficiencies with transfers from the carry-forward trust holding account and address overpayments by directing the Office of Hawaiian Affairs to transfer excess amounts to the carry-forward trust holding account; and
- (4) Require the Department of Land and Natural Resources to conduct an annual accounting of all funds derived from receipts from lands described in section 5(f) of the Admission Act.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; one member of the Maui County Council; Ka Lāhui Hawaii Political Action Committee; Kanaeokana, the Kula Hawai'i Network; Hawai'i Alliance for Progressive Action; Ka Lei Pāpahi 'o Kākuhihewa; Republican Party of Hawaii; Hawaiian Community Assets; Sierra Club of Hawai'i; Kamehameha Schools; Waimea Hawaiian Civil Club; Democratic Party of Hawai'; Ke One O Kākuhihewa, O'ahu Council of the Association of Hawaiian Civic Clubs; Lahaina Hawaiian Civic Club; Pueo Consulting, LLC; Native Hawaiian Chamber of Commerce; We Are One, Inc.; Council for Native Hawaiian Advancement; Association of Hawaiian Civic Clubs; La'i Ōpua 2020; Hawai'i Alliance for Community-Based Economic Development; Pride at Work Hawaii; Ali'i Pauahi Hawaiian Civic Club; Hanalei Hawaiian Civic Club; LGBT Caucus of the Democratic Party of Hawaii; Prince Kūhio Hawaiian Civic Club; Trilogy Corporation; the Governing Board of Ke Kula 'O Nāwahīokalaniōpu'u Iki Laboratory Public Charter School; Hawaii Investment Ready; 'Aha Pūnana Leo; Kua'āina Ulu 'Auamo; and thirty-six individuals. Your Committees received testimony in opposition to this measure from the University of Hawai'i System and Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from the Department of Budget and Finance, Department of the Attorney General, Department of Transportation, Department of Agriculture, Department of Land and Natural Resources, and Hawaii Health Systems Corporation.

Your Committees find that there is a constitutional obligation for the State to provide a sufficient sum of income and proceeds as the pro rata share of the public land trust for the betterment of the conditions of native Hawaiians. In 2006, Act 178, Session Laws of Hawaii 2006 (Act 178), put in place annual payments of \$15,100,000 from the pro rata portion of the public land trust to the Office of Hawaiian Affairs in acknowledgment of the State's constitutional obligation. However, Act 178 was passed with the intention that it would be an interim measure until the Legislature could further assess the complexities of the issue, including in part gathering information on revenue-generating public trust lands and amounts derived from those lands. Your Committees find that since Act 178 was passed, the Legislature has received additional information from the departments and the Office of Hawaiian Affairs on the annual amounts derived from the public land trust and it is in the interests of the Office of Hawaiian Affairs, its beneficiaries, and the State to use that information to enact an updated interim legislative measure regarding the Office of Hawaiian Affairs' constitutional pro rata share of the public lands trust.

Your Committees have heard the testimony of the Department of the Attorney General expressing concerns that the total gross receipts amount in this measure may be over inclusive. Your Committees also heard Office of Hawaiian Affairs' testimony responding to concerns about the gross receipts as well as on the State's reliance on Act 304, Session Laws of Hawaii 1990 (Act 304). According to the Office of Hawaiian Affairs' testimony, agency calculations have always been made on the gross amount received by the agency and was included in Act 304, and Act 304 included a pro rata share of airport revenues. Your Committees also note that the Office of Hawaiian Affairs stated that the only receipts used to calculate the amount in previous versions of this measure were undisputed revenue streams and were calculated using the definition of revenue in Act 304.

Your Committees request that your Committee on Ways and Means further examine the composition of the total gross receipts amount. Your Committees further request your Committee on Ways and Means consider the viability of making annual payments to the Office of Hawaiian Affairs of all amounts in the carry-forward trust holding account at the end of each fiscal year.

Your Committees have amended this measure by:

- Reducing the University of Hawaii's portion of receipts from the use, sale, lease, or other disposition of lands within the public land trust to be collected during each fiscal year by the amount equal to the University's receipts derived from tuition and special funds utilized for native Hawaiian programs;
- (2) Requiring that the annual accounting of all receipts from lands described in section 5(f) of the Admission Act for the prior fiscal year to be completed by the Department of Budget and Finance, rather than the Department of Land and Natural Resources:

- (3) Establishing the public land trust revenues committee within the Department of Budget and Finance to study and make recommendations regarding the annual amount of the income and proceeds from the public land trust to be allocated to the Office of Hawaiian Affairs;
- (4) Prohibiting any additional funds from being provided to the Office of Hawaiian Affairs until the fiscal and performance audit approved by the Board of Trustees of the Office of Hawaiian Affairs in 2017 is completed and provided to the Legislature;
- (5) Effectuating the intent of this measure to supersede Act 178, Session Laws of Hawaii 2006, by repealing Act 178; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 402, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 402, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and Vice President on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1471 Housing on H.B. No. 699

The purpose and intent of this measure is to authorize the Hawaii Public Housing Authority to evict a tenant convicted of a misdemeanor or felony committed during the term of the tenancy for an act relating to the Hawaii Public Housing Authority's property, administrative offices, employees, employees' property or vehicles, or funds.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committee received testimony in opposition to this measure from the Hawaii Kai Homeless Task Force, Drug Policy Forum of Hawai'i, Americans for Democratic Action Hawai'i, Hawai'i Health and Harm Reduction Center, and one individual.

Your Committee finds that the Hawaii Public Housing Authority's administrative offices, employees, and their vehicles are sometimes threatened, assaulted, or vandalized by public housing tenants. When a tenant commits a misdemeanor or felony related to the Hawaii Public Housing Authority's property or funds, they abuse their privilege as a tenant, undermine the safety of law-abiding public housing tenants, and take away housing opportunities from other law-abiding families of the State's most disadvantaged populations. This measure will maintain the safety of law-abiding tenants of public housing and protect the employees and properties of the Hawaii Housing Public Authority.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2075, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes the concerns of individuals that evicting a tenant for a misdemeanor offense is a severe punishment and may have unintended consequences, such as making tenants homeless, and encourages further discussion regarding these concerns.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 699, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 699, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4; Ayes with Reservations (Thielen). Noes, none. Excused, 1 (Fevella).

#### SCRep. 1472 Housing on H.B. No. 1312

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds into and out of the rental housing revolving fund.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Hawai'i Association of REALTORS, Hawaii Kai Homeless Task Force, Partners in Care Oahu's Continuum of Care, Faith Action for Community Equity, Hawai'i Health and Harm Reduction Center, Catholic Charities Hawai'i, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, HOPE Services Hawaii, ALEA Bridge, and seven individuals.

Your Committee finds that the State does not have a sufficient supply of affordable housing and rental units to accommodate the residents of the State. According to the Department of Business, Economic Development, and Tourism, the State requires roughly 66,000 housing units by 2025 to meet long-term demand. Your Committee notes that of the 66,000, at least 44,000 units are required by residents making 80 percent or less of the area median income, which is roughly \$96,000 for a family of four. Your Committee further finds that the State requires a consistent and ongoing infusion of funds into the rental housing revolving fund to help those most in need of housing assistance in the State. This measure will create the steady stream of funding necessary to develop affordable rental units, thereby addressing the lack of affordable rental units for residents of the State.

Your Committee has amended this measure by:

- (1) Requiring that a blank amount of the funds appropriated out of the rental housing revolving fund be expended to establish permanent supportive housing for chronically homeless individuals; and
- (2) Updating the purpose section to reflect its amended contents.

Your Committee recommends that your Committee on Ways and Means consider a general obligation bond issuance and appropriation amount of \$400,000,000 to be deposited into the rental housing revolving fund. Your Committee notes that Catholic Charities Hawai'i requests \$75,000,000 of the sums appropriated to be allocated to the establishment of permanent supportive housing units for chronically homeless individuals.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1312, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1312, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1473 Housing on H.B. No. 477

The purpose and intent of this measure is to establish the homeownership housing revolving fund to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations to develop affordable homeownership housing projects under a self-help housing program in the State.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; Hawaii Habitat for Humanity Association; Habitat for Humanity Hawaii Island, Inc.; Kauai Habitat for Humanity, Inc.; Hawaii Island HIV/AIDS Foundation; Hawaiian Community Assets; Building Industry Association Hawaii; Partners in Housing; Chamber of Commerce Hawaii; and five individuals. Your Committee received comments on this measure from the Hawaii HomeOwnership Center Housing and Land Trust.

Your Committee finds that the high cost of living coupled with the high cost of housing in the State have resulted in Hawaii having one of the lowest homeownership rates in the nation. The low rate of homeownership in the State is partially due to the lack of construction and development of affordable for-sale housing units. Your Committee further finds that the self-help housing model is a cost-effective means of assisting low-income families to become homeowners. Self-help housing organizations utilize federal funding, supplemented by the recipient's own labor, to build an affordable housing unit for a family who would otherwise not be able to afford to purchase a home.

Your Committee additionally finds that qualified nonprofit housing trusts are another tool to help families by reducing housing costs significantly for income-qualified families. These nonprofit housing entities often utilize grants and other low-cost means of financing that require matching funds to acquire or development housing units. Your Committee notes that Senate Bill No. 878, S.D. 1 (Regular Session of 2019), which was previously heard and passed by your Committee, creates the foundation to assist residents of Hawaii to become homeowners by establishing a qualified nonprofit housing trust program.

Accordingly, your Committee has amended this measure by:

- (1) Inserting certain provisions from Senate Bill No. 878, S.D. 1, that:
  - (A) Establish a qualified nonprofit housing trust revolving fund and a qualified housing trust program for affordable for-sale housing development; and
  - (B) Appropriate funds into and out of the qualified nonprofit housing trust revolving fund; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation amounts for loans to nonprofit community development financial institutions or nonprofit organizations operating a self-help housing program are blank, the Hawaii Habitat for Humanity Association requests an appropriation of \$25,000,000 to establish the homeownership housing revolving fund to provide these loans.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 477, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 477, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1474 Housing on H.B. No. 1142

The purpose and intent of this measure is to amend the Hula Mae Multifamily revenue bond authorization amount.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Association of REALTORS.

Your Committee finds that the housing loan and mortgage program, more commonly known as the Hula Mae multifamily bond program or Hula Mae program, promotes the development of new rental housing projects or the acquisition and rehabilitation of existing rental housing projects through the issuance of mortgage revenue bonds for interim and permanent financing at rates below conventional market interest rates. The Hula Mae program has become a popular financing tool for nonprofit and for-profit developers of affordable rental housing and is intended to make home buying more affordable for qualified families by offering eligible first-time homebuyers mortgage loans at very competitive interest rates. The program also assists eligible first-time homebuyers with downpayment assistance, the largest obstacle for many residents hoping to purchase a home. This measure increases the opportunities for residents of the State to become homeowners by increasing the Hula Mae multifamily revenue bond authorization amount.

Your Committee has amended this measure by:

(1) Inserting an effective date of July 1, 2075, to encourage further discussion; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that during the hearing, the Hawaii Housing Finance and Development Corporation stated that an increased bond authorization amount of \$2.5 billion would be sufficient for future projects.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1142, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1142, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1475 Housing on H.B. No. 1373

The purpose and intent of this measure is to appropriate or authorize funds for programs and positions of the Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness and Hawaii Public Housing Authority.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Hawaii Public Housing Authority to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Inserting language to appropriate or authorize funds from various sources for specific programs, positions, and fringe benefits, as recommended by the Hawaii Public Housing Authority; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1373, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1373, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1476 Housing on H.B. No. 1408

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that this measure expresses adjustments to the programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Hawaii Housing Finance and Development Corporation to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee further finds that there is a great need to increase the supply of affordable housing in Hawaii and that under existing law, there is no office to monitor, comment on, and advocate for the State's production of affordable housing. Your Committee believes that the dwelling unit revolving fund, under the administration of the Hawaii Housing Finance and Development Corporation, is an appropriate means of financing an office to advocate for solutions to the State's housing crisis.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language suggested by the Hawaii Housing Finance and Development Corporation, which:
  - (A) Changes the number of permanent full-time equivalent and temporary full-time equivalent positions to be transferred from housing administration to housing development;
  - (B) Transfers one full-time equivalent permanent and one full-time equivalent temporary position from housing development to housing administration; and
  - (C) Transfers one full-time equivalent permanent position from housing finance to housing administration;
- (2) Establishing the Office of the Housing Advocate within the Office of the Governor, to be funded by the dwelling unit revolving fund, to advocate for solutions to the State's housing shortage; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating all of the Corporation's budget items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1408, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1408, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1477 Housing on H.B. No. 818

The purpose and intent of this measure is to require all developers of affordable housing projects developed in a community development district pursuant to section 201H-38, Hawaii Revised Statutes, to consult with the Hawaii Community Development Authority.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that there is no formal entitlement process for affordable housing projects developed pursuant to section 201H-38, Hawaii Revised Statutes, and located in a community development district. Your Committee further finds that the construction, renovation, and improvement of county or state agency projects within a community development district are subject to formal consultation with the Hawaii Community Development Authority. This measure will allow the Hawaii Housing Finance and Development Corporation and Hawaii Community Development Authority to work collaboratively toward a consistent community plan within a community development district, thereby improving affordable housing projects.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 818, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 818, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1478 Education on H.B. No. 1525

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Hawaii State Public Library System for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Hawaii State Public Library System, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Hawaii State Public Library System to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Deleting the program appropriations and inserting the program appropriations related to the Hawaii State Public Library System (EDN407) from S.B. No. 37, S.D. 1 (Regular Session 2019); and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1525, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1525, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 1479 Education on H.B. No. 1526

The purpose and intent of this measure is to appropriate or authorize funds for programs of the State Public Charter School Commission for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the State Public Charter School Commission, Office of Hawaiian Affairs, Kamehameha Schools, Hawaii Technology Academy, and Oʻahu County Committee on Legislative Priorities of the Democratic Party of Hawaiʻi.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the State Public Charter School Commission to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Deleting the program appropriations and inserting the program appropriations related to the State Public Charter School Commission (EDN600 and EDN612) from S.B. No. 1447, S.D. 1 (Regular Session 2019); and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1526, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1526, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1480 Education on H.B. No. 1527

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Executive Office on Early Learning for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning, Early Learning Board, Kamehameha Schools, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Executive Office on Early Learning to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- Deleting the program appropriations and inserting the program appropriations related to Early Learning (EDN700) from S.B. No. 90, S.D. 2 (Regular Session 2019); and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1527, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1527, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 1481 Education on H.B. No. 1524

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Education for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Department of Education, HE'E Coalition, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Education to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- Deleting the program appropriations and inserting the program appropriations related to the Department of Education (EDN100, EDN150, EDN200, EDN300, EDN400, EDN500, and EDN700) from S.B. No. 90, S.D. 2 (Regular Session 2019);
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1524, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1524, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 1482 Energy, Economic Development, and Tourism on H.B. No. 911

The purpose and intent of this measure is to:

- Establish the convention center repair and maintenance special fund and convention center emergency special fund, allocate a
  portion of transient accommodations tax revenues to both funds for certain fiscal years, and require annual reports to the
  Legislature regarding expenditures from both funds;
- (2) Amend permissible uses of the convention center enterprise special fund; and
- (3) Delete repair and maintenance as permissible uses of the convention center enterprise special fund.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority. Your Committee received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committee finds that Hawaii is vulnerable to a wide variety of natural disasters, which was underscored this past year as the State experienced serious property damage from major flooding and the eruption of Kilauea on the island of Hawaii. Your Committee further finds that the State is responsible for ensuring the safety of residents and visitors of the State, a substantial responsibility as the State hosts up to 220,000 visitors a day, in addition to roughly one million residents.

Your Committee also finds that the Hawaii Convention Center serves as the emergency operations center for the Hawaii Tourism Authority to address and direct the tourism industry during statewide emergencies. The Hawaii Convention Center can serve as a valuable resource during a natural disaster or other emergencies for the State. Your Committee believes that to better utilize the Hawaii Convention Center for multiple purposes, additional funds must be made available to ensure that the convention center is properly maintained and can be used to its full potential.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2100, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 911, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 911, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

# SCRep. 1483 Energy, Economic Development, and Tourism on H.B. No. 908

The purpose and intent of this measure is to:

- (1) Allocate funds from transient accommodations tax revenues to the Hawaii Tourism Authority to implement initiatives, in conjunction with the Hawaii Lodging and Tourism Association, to address homelessness in tourist and resort areas; and
- (2) Require the Hawaii Tourism Authority to report to the Legislature on the status of initiatives to address homelessness in tourist and resort areas.

Your Committee received testimony in support of this measure from the Hawai'i Tourism Authority, Hawai'i Lodging and Tourism Association, Kohala Coast Resort Association, Maui Hotel and Lodging Association, and one individual. Your Committee received testimony in opposition to this measure from seven individuals. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that homelessness remains one of the most pressing issues of the State. Homelessness is particularly acute in Waikiki and other tourist and resort areas and is prevalent throughout popular public parks, beaches, and facilities frequently used by residents and visitors of the State. This has a direct impact on visitors' experience in the State and is a source of frustration for residents. Your Committee believes that addressing tourist and resort areas that are affected by homelessness will not only assist the homeless community by providing them with improved living situations, but will simultaneously improve areas that are frequently visited by tourists and residents, thereby improving the overall quality of life for everyone in Hawaii.

Your Committee notes that the Hawaii Lodging and Tourism Association stated in its testimony that the hospitality industry, through its association and member hotels and businesses, has contributed over \$2,500,000 during the last five years to social service agencies for homelessness outreach and services. Your Committee requests as this measure moves forward that the Hawaii Lodging and Tourism Association provide to your Committee on Energy, Economic Development, and Tourism and your Committee on Ways and Means a copy of a list of providers that are rendering services targeted toward addressing homelessness, the services being provided, and the cost of those services.

Your Committee has amended this measure by:

- (1) Requiring that the Hawaii Tourism Authority work in conjunction with the Governor's Coordinator on Homelessness, in addition to the Hawaii Lodging and Tourism Association, to address homelessness in tourist and resort areas; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 908, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 908, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

#### SCRep. 1484 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 419

The purpose and intent of this measure is to:

- (1) Provide that a county shall be eligible to receive an allocation of transient accommodations tax revenues from the State for the purpose of enforcing all applicable laws and ordinances relating to transient accommodations, provided that no funds shall be released to a county until it has satisfactorily complied with certain specified conditions; and
- (2) Require reports from counties receiving funds for enforcement of transient accommodations and short-term vacation rentals ordinances.

Your Committees received testimony in support of this measure from the Department of Planning of the County of Kaua'i, Kohala Coast Resort Association, and Maui Hotel & Lodging Association. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Tax Foundation of Hawaii.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1, which retains the contents of this measure and inserts additional provisions that:

- (1) Amend the definition of "transient accommodations" to include additional forms of transient accommodations;
- (2) Make it unlawful for a hosting platform to provide, and collect a fee for, booking services regarding transient accommodations if the operator or plan manager is not registered with the Director of Taxation;
- (3) Amend requirements relating to transient accommodations tax certificates of registration to ensure greater transparency; and
- (4) Allow a transient accommodations broker to register as a general excise and transient accommodations tax collection agent for its operators and plan managers.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Planning and Permitting of the City and County of Honolulu, American Hotel & Lodging Association, Hawai'i Lodging & Tourism Association, and Marriott International. Your Committees received testimony in opposition to this measure from Airbnb. Your Committees received comments on this measure from the Department of the Attorney General, Department of Taxation, Department of Budget and Finance, and Expedia Group.

Your Committees find that the proposed S.D. 1 improves enforcement of land use regulations relating to transient accommodations, while facilitating the collection of tax revenue from transient accommodations, which will improve transparency, enforcement, and accountability in the transient accommodations industry while preserving the quality of life for Hawaii's residents and visitors.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Changing references to "special use permits" in section 1 to refer instead to zoning permits issued pursuant to the respective county zoning ordinances;
- 2) Amending the quarterly data reporting requirement for transient accommodations brokers, hosting platforms, and booking services in section 237D-4, Hawaii Revised Statutes, as follows:
  - (A) Changing its statutory placement to chapter 201, Hawaii Revised Statutes, to reflect the submission of the reports to the Department of Business, Economic Development, and Tourism;
  - (B) Specifying that the data reported shall include the number of nights stayed per booking; and
  - (C) Removing the provision that would have subjected an entity in non-compliance with the reporting requirement to a citation process;
- (3) Changing the defective date to January 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 419, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 419, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

#### SCRep. 1485 Education on H.B. No. 407

The purpose and intent of this measure is to grant the Board of Education the authority to appoint and approve termination of complex area superintendents for schools.

Your Committee received testimony in opposition to this measure from the Board of Education.

Your Committee finds that increased community input is valuable and necessary in helping to reshape public education in Hawaii. This measure grants the Board of Education, rather than the Superintendent of Education, the authority to appoint and approve termination of complex area superintendents for schools. Your Committee, however, notes the testimony from the Board of Education expressing concern that the Superintendent of Education relies on an expansive tri-level group of Department leaders, which includes complex area superintendents. Without the flexibility to hire or terminate the crucial members of the Superintendent's leadership team,

the Superintendent's responsibilities to meet annual priorities and advance public education in Hawaii becomes increasingly challenging. Therefore, amendments to this measure are necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Reinstating language that grants the Superintendent of Education the authority to appoint complex area superintendents for schools;
- (2) Updating the purpose section; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 407, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 407, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

#### SCRep. 1486 Education on H.B. No. 413

The purpose and intent of this measure is to:

- (1) Establish the education innovation grants program within the Department of Education to support school-level innovation;
- (2) Establish the education innovation grants special fund;
- (3) Authorize the Board of Education to administer the education innovation grants program and special fund; and
- (4) Appropriate funds for the education innovation grants program.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, and Democratic Party of Hawai'i Education Caucus. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that there is a public benefit from school-level innovation, beginning with the development of exemplary leadership and elevation of the teaching profession. This exemplary leadership will reflect school-level and community-based input and recognize visionary educational practices. Teachers will be empowered to adopt educational practices that support global learner outcomes based upon individual assessments rather than standardized testing. This measure encourages innovation in Department of Education schools that support global learner outcomes and recognize cultural context.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 413, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 413, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

# SCRep. 1487 Education on H.B. No. 1276

The purpose and intent of this measure is to:

- (1) Beginning with school year 2019-2020, require the Department of Education to establish and implement a four-year pilot program within one complex area to address teacher preparation, classroom operations, and the rotation of principals amongst various school levels within the complex area;
- (2) Authorize best practices for the pilot program; and
- (3) Appropriate funds for the pilot program.

Your Committee received comments on this measure from the Department of Education, Hawaii State Teachers Association, and Democratic Party of Hawai'i Education Caucus.

Your Committee finds that improving Hawaii's schools begins by setting a goal and having a vision. Some initiatives, such as the Massachusetts Expanded Learning Time, have improved academic outcomes for schools by providing increased opportunities for teachers to have time for collaborative planning and professional development. This measure provides educational stakeholders the opportunity to come together to explore the best practices for a collaborative planning and expanded learning time initiative in the State.

Your Committee has amended this measure by:

- (1) Establishing a working group to consider and develop best practices for collaborative planning and expanded learning time in public schools, rather than requiring the Department of Education to establish a pilot program;
- (2) Specifying that the administrative responsibilities of the working group shall be under the Department of Education;
- (3) Deleting language that would have appropriated funds to establish and implement a pilot program within one Department of Education complex area; and

(4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1276, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1276, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

### SCRep. 1488 (Joint) Energy, Economic Development, and Tourism and Water and Land on H.B. No. 548

The purpose and intent of this measure is to allocate funds from transient accommodations tax revenues directly to the Hawaii Tourism Authority, rather than through the special land and development fund, in order to improve certain state facilities in accordance with the Authority's strategic plan.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Hawai'i Tourism Authority. Your Committees received comments on this measure from the Tax Foundation of Hawaii.

Your Committees find that Hawaii continues to be one of the top destinations for vacationers. In 2017, the State received 9,404,346 visitors. That number is projected to increase to approximately 10,130,000 in 2019. As the number of visitors continues to grow, more strain is put on the State's facilities and natural resources, such as state parks, trails, small boat harbor facilities, and other natural areas that are operated and maintained by state agencies. Your Committees believe that given the continued growth of visitors, more investment is needed in Hawaii's natural resources and environment.

Your Committees received testimony from the Department of Land and Natural Resources indicating that the Department has been increasing its collaboration and communication with the Hawaii Tourism Authority regarding the Authority's promotion of state parks, hiking trails, and beaches and the various impacts associated with tourism and that the agencies mutually concur that emphasis should be directed to quality of experience in a manner that reduces impacts.

The Department of Land and Natural Resources also indicated in its testimony that it does not support the provision in this measure that places the transient accommodations tax revenues under the purview of the Hawaii Tourism Authority and prefers instead a direct allocation of funds to its divisions and programs as a component of their base operating budget. Your Committees agree that a direct allocation would be more efficient and find that amendments to this measure are necessary to effectuate that intent.

Your Committees have amended this measure by:

- (1) Deleting the direct allocation of transient accommodations tax revenues to the Hawaii Tourism Authority; inserting a blank amount to be allocated as follows: fifty-five percent to the state parks special fund, thirty percent to the Na Ala Hele statewide trail and access program, and fifteen percent to the beach restoration special fund, and making conforming amendments; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 548, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 548, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 1489 (Joint) Energy, Economic Development, and Tourism and Water and Land on H.B. No. 588

The purpose and intent of this measure is to require and appropriate funds for the State Sustainability Coordinator to complete a holistic and comprehensive study and plan for green infrastructure opportunities in the State.

Your Committees received testimony in support of this measure from the Office of Planning, Healthy Climate Communities, U.S. Green Building Council, Hawaii Advocates for Consumer Rights, and one individual.

Your Committees find that green infrastructure is an approach to managing weather impacts that also delivers environmental, social, climate, and economic benefits. Green infrastructure planning aims to create a strategic network of natural and semi-natural areas that protect and maintain ecosystems in urban and rural areas. Importantly, green infrastructure can also be the basis of a smart growth approach to development that cost effectively protects natural areas while creating more sustainable communities. Currently, there is no defined system to determine the most effective use of green infrastructure in Hawaii.

Your Committees also find that a holistic and comprehensive green infrastructure study and plan will be of great benefit to the State and its environment. This measure will have the State Sustainability Coordinator of the Office of Planning undertake and coordinate activities relating to green infrastructure planning and development and work with various stakeholders and the public to further the State's sustainability goals.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 588, H.D. 1, and recommend that it pass Second Reading and be referred to your Committees on Housing and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1490 (Joint) Energy, Economic Development, and Tourism and Water and Land on H.B. No. 1558

The purpose and intent of this measure is to require the Office of Planning to update the Hawaii 2050 Sustainability Plan and submit the updated plan to the Legislature prior to the Regular Session of 2021 and every tenth session thereafter, using the goals and priority guidelines of the Hawaii State Plan and the Hawaii Climate Change Mitigation and Adaptation Initiative as guiding principles.

Your Committees received testimony in support of this measure from the Office of the Auditor, Office of Planning, U.S. Green Building Council, Hawaii Farm Bureau, Hawai'i Public Health Association, Hawaii Advocates for Consumer Rights, Ulupono Initiative, and four individuals.

Your Committees find that climate change is the overriding challenge of the twenty-first century and one of the priority issues of the Legislature. Climate change poses immediate and long-term threats to the State's economy, sustainability, security, and way of life.

Your Committees find that the Hawaii 2050 Sustainability Task Force and Hawaii 2050 Sustainability Plan were created to coordinate the actions needed to sustain a growing and vibrant economy, while maintaining a high quality of life for all residents and visitors

A ten-year measurement update of the Hawaii 2050 Sustainability Plan (2008-2017) was published in March 2018 by the Office of Planning for the Office of the Auditor, which evaluated the metrics and indicators established in the Hawaii 2050 Sustainability Plan. This measure requires the Office of Planning to formally update the Hawaii 2050 Sustainability Plan every ten years, thereby furthering the State's sustainability goals and ensuring the quality of life in Hawaii.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1558, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1558, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1491 (Joint) Energy, Economic Development, and Tourism and Transportation on H.B. No. 1585

The purpose and intent of this measure is to:

- (1) Create a program within the Department of Business, Economic Development, and Tourism that offers rebates for the installation of new electric vehicle charging systems or the upgrade of existing electric vehicle charging systems;
- (2) Create the electric vehicle charging system rebate program special fund; and
- (3) Amend the uses for which funds from the energy security special fund may be used.

Your Committees received testimony in support of this measure from the Blue Planet Foundation; Hawaiian Electric Companies; Alliance of Automobile Manufacturers; Retail Merchants of Hawaii; Tesla; ABC Stores; Organizing for Action; Building Industry Association of Hawaii; 350 Hawaii; Ulupono Initiative; Hawaii Automobile Dealers' Association; We Are One, Inc.; and ten individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Budget and Finance; Tax Foundation of Hawaii; and Chamber of Commerce Hawaii.

Your Committees find that more than two-thirds of the fossil fuel imported into the State is used for transportation. Therefore, your Committees find that the State must accelerate the transition to cleaner transportation to reach its carbon emissions reduction goals. The lack of electric vehicle charging systems remains a barrier to the more widespread adoption of electric vehicles. Creating incentives to build out a more robust electric vehicle infrastructure will make electric vehicles a viable option for more consumers, especially those who may not have a rooftop solar system that allows them to charge their electric vehicles at home at a lower cost. This measure creates an electric vehicle charging system rebate program to provide incentives for individuals, businesses, and agencies to implement electric vehicle charging system infrastructure, thereby promoting the growth of electric vehicle use in Hawaii, which will lessen the State's reliance on fossil fuels.

Your Committees have amended this measure by:

- (1) Specifying that the Public Utilities Commission, instead of the Department of Business, Economic Development, and Tourism will administer the electric vehicle charging system rebate program, in consultation with stakeholders and the Hawaii State Energy Office;
- (2) Specifying that, in addition to individuals, non-profit and for-profit corporations, public agencies, homeowner associations, and other entities are also eligible to secure rebates and amending the rebate eligibility requirements;
- (3) Replacing the term "level three station" with "direct current fast charging system";
- (4) Removing language that would have authorized the Department of Business, Economic Development, and Tourism to adopt rules to effectuate the rebate program;
- (5) Inserting language to require the Public Utilities Commission, in administering the rebate program, to consider specified guidelines; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1585, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1585, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1492 Water and Land on H.B. No. 910

The purpose and intent of this measure is to require the Office of Planning to conduct a study on the infrastructure of the Banyan Drive area on the Waiakea Peninsula on the island of Hawaii.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources and Office of Planning.

Your Committee finds that the Department of Land and Natural Resources and Banyan Drive Hawaii Redevelopment Agency have been working on plans for the redevelopment of the Banyan Drive area in Hilo for many years. This measure would require the Office of Planning to conduct a study of the infrastructure in the area to better assess the area's redevelopment needs.

Your Committee has amended this measure by inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 910, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 910, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1493 Water and Land on H.B. No. 1032

The purpose and intent of this measure is to:

- (1) Allow the Board of Land and Natural Resources (Board) to lease any existing state boating facility in its entirety, and fast lands and submerged lands within any existing state boating facility, by public auction, request for proposals, or direct negotiation for private development, management, and operation subject to prior authorization by the Legislature; and
- (2) Repeal fast lands and submerged lands lease requirements specific to the Ala Wai Boat Harbor.

Your Committee received testimony in support of this measure from Pūlama Lāna'i. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Ocean Tourism Coalition, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that community input and involvement are critical to effective and sustainable development within the State. While sea level rise is a critical factor to consider in long-term planning, your Committee believes it is just as critical to foster effective relationships between developers and the community.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required prior authorization from the Legislature for a lease of any state boating facility;
- (2) Inserting language to require the Board of Land and Natural Resources, prior to approving the lease of any existing state boating facility, to find that the lessee has:
  - (A) Given public notice of any proposed development plans;
  - (B) Engaged with the community to be affected in regard to the development plans;
  - (C) Considered community concerns; and
  - (D) Developed a plan to address adverse impacts; and
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1032, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1032, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

# SCRep. 1494 Water and Land on H.B. No. 1033

The purpose and intent of this measure is to require owners of vessels operating in or on ocean waters of the State that are required to be registered with the State or required to be documented by the United States Coast Guard to obtain marine insurance coverage.

Your Committee received testimony in support of this measure from the Ocean Tourism Coalition. Your Committee received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that, in addition to environmental damage from grounded vessels, uninsured vessels that run aground, are derelict, or are abandoned in waters of the State cause the State to sometimes incur all costs involved in removing the vessel. The Division of Boating and Ocean Recreation has required insurance for vessels moored in state small boat harbors as a condition of obtaining a mooring permit since 2009 but has no existing mechanism for addressing insurance concerns for the numerous other vessels located in the State but not stored on state facilities. This measure establishes marine insurance requirements to address these vessels.

Your Committee has amended this measure by:

- Applying the mandatory marine insurance requirement only to vessels originally manufactured at a length of twenty-six feet or more, or under twenty-six feet if the vessel is grounded in the State;
- (2) Setting the mandatory vessel insurance minimum at \$100,000;
- (3) Allowing a vessel owner to obtain alternative insurance acceptable to the Department of Land and Natural Resources;
- (4) Amending the Board of Land and Natural Resources' authority to grant exemptions from the marine insurance coverage requirement for certain transient vessels under certain circumstances;
- (5) Inserting a definition for "grounded vessel";
- (6) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1033, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1033, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1495 Water and Land on H.B. No. 1121

The purpose and intent of this measure is to require the Commission on Water Resource Management to conduct an update of the statewide framework for updating the Hawaii Water Plan to provide additional guidance for updating the Hawaii Water Plan.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Department of Health, City and County of Honolulu Board of Water Supply, One World One Water, Hawai'i Farm Bureau, Maui County Farm Bureau, O'ahu County Democrats, and two individuals.

Your Committee finds that the Hawaii Water Plan serves as a continuing long-range guide for water resource protection and management, and consists of five major components. Your Committee further finds that many of the components of the Hawaii Water Plan have not been updated since its initial adoption in 1990. It is timely to conduct a comprehensive review and update of the Hawaii Water Plan to provide the basis for more holistic water planning, thereby increasing future water security, especially as climate change persists and droughts become more common.

Your Committee has amended this measure by:

- (1) Making the appropriation for fiscal year 2019-2020, rather than for the entire fiscal biennium;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation amount is blank, your Committee requests that your Committee on Ways and Means consider an appropriation of \$300,000 for an update of the statewide framework for updating the Hawaii Water Plan.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1121, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1121, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1496 Water and Land on H.B. No. 1178

The purpose and intent of this measure is to appropriate or authorize funds for the prevention of natural disasters program of the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that funds appropriated for the prevention of natural disasters program will allow the Department of Land and Natural Resources to perform coordination activities to minimize the risks for loss of lives and property damage through the oversight of the National Flood Insurance Program, the dam and reservoir safety program, and general flood control plan. This measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources' prevention of natural disasters program to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1178, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1178, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

### SCRep. 1497 Water and Land on H.B. No. 1219

The purpose and intent of this measure is to authorize the designation of areas or regions of public lands classified as commercial and industrial use or hotel, apartment, and motel use and the establishment and implementation of guidelines for the redevelopment of the areas or regions that will:

- (1) Modernize the policies for the management of public lands in the designated area;
- (2) Establish a plan for the designated area, including district-wide improvements, that is coordinated with state and county land use and planning policies; and
- (3) Implement asset and property management concepts that can optimize income from the properties and evolve in response to changing principles of property administration.

Your Committee received testimony in support of this measure from HPM Building Supply and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 retained the contents of this measure and also inserted provisions that:

- (1) Provide that the law designating the redevelopment district shall, rather than may, be designated by the Legislature and shall transfer the management of the public lands within the district to the planning committee;
- (2) Establish the membership of the planning committee and change the committee from a policy-making committee to an executive committee:
- (3) Designate the public lands on the Waiakea Peninsula on the island of Hawaii as the Waiakea Peninsula Redevelopment District and establishes the Waiakea Peninsula Redevelopment District Planning Committee;
- (4) Authorize a local redevelopment agency to contract with a developer for construction of non-residential projects on public land within a redevelopment area;
- (5) Exempt the costs of construction of work or improvements of a redevelopment project from general excise and use taxes;
- (6) Require the County of Hawaii to repeal the Banyan Drive Hawaii Redevelopment Authority in order for the measure to become effective; and
- (7) Make technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee received testimony in support of the proposed S.D. 1 from McCully Works. Your Committee received testimony in opposition to the proposed S.D. 1 from the Department of Land and Natural Resources and League of Women Voters of Hawaii. Your Committee received comments on the proposed S.D. 1 from the Department of Budget and Finance, Office of the Mayor of the County of Hawaiii, and Kohala Coast Resort Association.

Your Committee finds that the State has a fiduciary duty to manage state lands in the best interests of the public by enhancing state revenues and promoting the social, environmental, and economic well-being of Hawaii's people. The Banyan Drive Hawaii Redevelopment Authority, while well intentioned, has been unable to accomplish its mandate to redevelop state lands on Banyan Drive. This measure would replace the Banyan Drive Hawaii Redevelopment Authority with a new authority to allow for state funding and control of public lands and help support crucial economic growth and development in the Hilo area and other areas of the State.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Inserting the language from the introduced version of this measure regarding the membership of the redevelopment district planning committee;
- (2) Authorizing the Board of Land and Natural Resources to approve a reduction or waiver of up to twenty years for a lease for resort, commercial, industrial, other business, or residential purposes that requires a lessee to demolish existing improvements or provide basic infrastructure including drainage, sewer, water, electricity, and other utilities before it can make productive use of the land, that shall not exceed the amount of the lessee's total expenditures for demolition or provision of such infrastructure;
- (3) Making it effective upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1219, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1219, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1498 Water and Land on H.B. No. 1359

The purpose and intent of this measure is to appropriate or authorize funds for the Department of Land and Natural Resources' Bureau of Conveyances' conveyances and recordings program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that funds appropriated for the conveyances and recordings program will allow the Bureau of Conveyances to continue digitization, image enhancements, and preservation of recorded documents and restore and preserve reference books, map collection management systems, and technology improvements. This measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources' Bureau of Conveyances' conveyances and recordings program to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1359, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1359, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1499 Water and Land on H.B. No. 1364

The purpose and intent of this measure is to appropriate or authorize funds for the Department of Land and Natural Resources' conservation and resources enforcement program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that funds appropriated for the conservation and resources enforcement program will allow the Department of Land and Natural Resources to continue enforcement of laws created to manage, protect, and conserve Hawaii's unique and limited, natural, cultural, and historic resources. This measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources' conservation and resources enforcement program to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1364, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1364, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1500 Water and Land on H.B. No. 1368

The purpose and intent of this measure is to appropriate or authorize funds for the Department of Land and Natural Resources' natural area reserves and watershed management program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and The Nature Conservancy Hawai'i.

Your Committee finds that funds appropriated for the natural area reserves and watershed management program will allow the Department of Land and Natural Resources to remove the hooved animals remaining within recently constructed fence units in order to protect native forest species and allow the expenditure of funds gained by revenue generation from parking fees at the 'Āhihi Kina'u

Natural Area Reserve. This measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for the Department of Land and Natural Resources' natural area reserves and watershed management program to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Making it effective upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1368, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1368, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

#### SCRep. 1501 Labor, Culture and the Arts on H.B. No. 613

The purpose and intent of this measure is to:

- Establish a state youthBuild program to provide employment, education, leadership development, and training opportunities to disadvantages and low-income youth between the ages of sixteen and twenty-four; and
- (2) Authorize the Department of Labor and Industrial Relations to award grants directly to eligible entities or to the counties.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Department of Education, Hawaii State Teachers Association, Society for Human Resource Management Hawaii, LGBT Caucus of the Democratic Party of Hawaii, La'i'Ōpua 2020, Hawaiian Community Assets, General Contractors Association of Hawaii, Hawaii Alliance for Community-Based Economic Development, Waimanalo YouthBuild, and four individuals.

Your Committee finds that YouthBuild is a federal workforce development program that provides employment, education, leadership development, and training opportunities to disadvantaged and low-income youth between the ages of sixteen and twenty-four. Your Committee further finds that the United States Department of Labor administers the YouthBuild program by awarding grants to about two-hundred youthBuild programs in over forty states. Program participants receive education services and occupational skills training.

Your Committee also finds that the federal YouthBuild program is designed to create a skilled workforce either in the construction industry, through the rehabilitation and construction of housing for homeless individuals and families and low-income families, as well as public facilities, or in other high wage, high-demand jobs. The program also benefits the larger community by providing more new and rehabilitated affordable housing. This measure establishes a state youthBuild program in Hawaii which will ensure that participants are given the opportunity to gain marketable skill sets so they can be productive and contributing members of society.

Your Committee has amended this measure by:

- (1) Clarifying that the state youthBuild program is established under the Department of Labor and Industrial Relations to assist non-profit and public entities in applying and qualifying for federal YouthBuild program grants rather than directly providing employment, education, leadership development, and training, as well as setting out basic parameters for grants;
- Appropriating unspecified funds for the Department of Labor and Industrial Relations to administer the state youthBuild program;
- (3) Deleting the appropriation to the counties and instead appropriating unspecified funds for matching-fund grants to eligible non-profit and public entities awarded federal YouthBuild program grants; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 613, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 613, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

# SCRep. 1502 (Joint) Labor, Culture and the Arts and Judiciary on H.B. No. 710

The purpose and intent of this measure is to add reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory employment practices.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission; Hawai'i State Commission on the Status of Women; LGBT Caucus of the Democratic Party of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Pride at Work Hawaii; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; American Civil Liberties Union of Hawaii; Hawaii Women's Coalition; Rainbow Family 808; and one individual. Your Committees received comments on this measure from the Department of Human Resources Development.

Your Committees find that while discrimination based on pregnancy, childbirth, and related medical conditions such as breastfeeding is prohibited, personal reproductive health decisions are not protected. Your Committees further find that no employee should face adverse employment action based on the employee's reproductive health decisions. Your Committees additionally find that the exercise of rights under state family leave law is already protected under existing law.

Accordingly, your Committees have amended this measure by removing language relating to utilization of family leave.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 710, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 710, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1503 (Joint) Labor, Culture and the Arts and Commerce, Consumer Protection, and Health on H.B. No. 912

The purpose and intent of this measure is to:

- (1) Require an employer to pay for all medical services related to an employee's compensable injury and the employee's rehabilitation within sixty days of receipt of the bill for services; and
- (2) Establish a process for employers to dispute the payment of an employee's medical bill.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, ILWU Local 142, Hawaii Injured Workers Association, Work Injury Medical Association of Hawaii, and three individuals. Your Committees received testimony in opposition to this measure from the Hawaii Insurers Council. Your Committees received comments on this measure from the City and County of Honolulu Department of Human Resources, Hawaiian Electric Company Inc., and Automated HealthCare Solutions.

Your Committees find that ongoing investigations of pending workers' compensation claims and employers not responding to billings delay care and compensation to seriously injured employees. These employees may be forced to return to work with serious injuries, find less suitable employment, or apply for public assistance. This measure requires that employers pay all medical services within sixty days of receiving the bill, which will help to ensure that medical services are timely paid by employers and that employees receive the financial assistance that they need.

Your Committees have amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 912, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 912, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 1504 Labor, Culture and the Arts on H.B. No. 914

The purpose and intent of this measure is to clarify that the party seeking review of a decision and order of the Hawaii Labor Relations Board is to bear the costs of preparing the transcript unless otherwise provided by law, in which case the Hawaii Labor Relations Board is to bear the cost of preparing the transcript.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board.

Your Committee finds that in cases where a party is seeking review of a decision and order of the Hawaii Labor Relations Board (Board) and requests a written transcript, that party must bear the costs, unless otherwise prohibited by law, then it is the Board's burden. Your Committee finds that the existing language in section 396-12, Hawaii Revised Statutes, is not necessarily clear as to when the party seeking review or the Board must bear the costs. Your Committee believes that this measure will prevent confusion.

Your Committee has amended this measure by:

- (1) Clarifying that the party seeking review of a decision of the Hawaii Labor Relations Board is to bear the costs of preparing the transcript, except as provided by law, in which case the Hawaii Labor Relations Board is to bear the costs of preparing the transcript; and
- (2) Making it effective upon approval.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 914, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 914, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

#### SCRep. 1505 Labor, Culture and the Arts on H.B. No. 941

The purpose and intent of this measure is to:

- (1) Allow an employee's designation of beneficiary form to be kept in the department where the employee is employed; and
- (2) Remove the requirement that the designation of beneficiary information be submitted in a verified written statement.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services.

Your Committee finds that existing law requires an employee of a state department's designation of beneficiary form to be a written statement that is notarized and filed with the comptroller. This requirement has resulted in thousands of designation of beneficiary forms being maintained in a central location at the Department of Accounting and General Services. Your Committee additionally finds that the recent modernization of the HawaiiPay payroll system has caused several departments and agencies to request an electronic means of storing and updating an employee's designation of beneficiary. This measure removes the requirement that the designation of beneficiary only be in a verified written statement, and allows the filing of an employee's designation of beneficiary by electronic means in order to facilitate accessibility to the designation of beneficiary process and provide administrative efficiencies.

Your Committee has amended this measure by:

- (1) Clarifying that a public employee is allowed to file a verified written or electronic statement designating a beneficiary with the comptroller or other disbursing officer or department in which the employee is employed; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 941, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 941, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Gabbard).

### SCRep. 1506 (Joint) Labor, Culture and the Arts and Government Operations on H.B. No. 1424

The purpose and intent of this measure is to:

- (1) Establish a visitor information center in the State Capitol; and
- (2) Establish a visitor information center program to support the operation of the visitor information center.

Your Committees received testimony in support of this measure from O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and one individual.

Your Committees find that tourism is the State's leading industry. Your Committees recognize that the Capitol district located in Honolulu is a historical, cultural, educational, and recreational hub for visitors and residents. Each year, the Capitol district draws many visitors who come to see and experience the historical sites and attractions in the area, including the State Capitol, Iolani Palace, Washington Place, Honolulu Hale, Kawaiaha'o church, Hawaii State Art Museum, Queen Lili'uokalani statue, and Father Damien statue, among others.

Your Committees find that a visitor information center located in the State Capitol would serve as a reliable and informative resource for informing and educating visitors about local areas and attractions, lodging, maps, transportation routes, and other services; promoting the State's tourist attractions, services, and products; and serving as an effective community information service to residents. This measure will provide visitors with information about the Capitol district and attract more visitors to the area.

Your Committees note that the visitor information center is intended to promote the historic and cultural aspects of the Capitol district, not to serve as a general tourism education center, or supplant other tourist resources or attractions, but rather to complement other visitor experiences.

Accordingly, your Committees have amended this measure by:

- Clarifying that the visitor information center is intended to educate visitors about the historic and cultural aspects of the State Capitol and its grounds and facilities;
- (2) Inserting the language establishing the visitor information center in section 6E-34.5(f), Hawaii Revised Statutes, thereby placing the visitor information center under the jurisdiction of the state capitol management committee;
- (3) Deleting language giving the joint legislative committee the authority to oversee the staff and operations of the visitor information center;
- (4) Deleting the appropriations to the Senate and House of Representatives and instead appropriating funds to the Department of Accounting and General Services; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1424, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1424, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1507 Labor, Culture and the Arts on H.B. No. 1582

The purpose and intent of this measure is to exempt from the bidding requirements of chapter 102, Hawaii Revised Statutes, concessions on public property whose operations provide historical and cultural information, goods, and services within the State Capitol district.

Your Committee received testimony in support of this measure from the Airport Concessionaires Committee and one individual.

Your Committee finds there is a need to provide more historical and cultural information to address the needs of visitors, and to enhance visitor experiences within the State Capitol district and to accommodate the increasing number of tourists and residents visiting this district each year. Currently, concession contracts for the operation of historical and cultural public information, goods, and services are awarded to the highest bidder without consideration of the quality or variety of services to be provided. Awarding concession contracts for the operation of historical and cultural public information, goods, and services through negotiation rather than simply to the highest bidder will result in higher quality services, which in turn will provide visitors with a superior experience in Hawaii. This measure will allow for negotiations for such concessions in the State Capitol district.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1582, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1508 (Joint) Labor, Culture and the Arts and Higher Education on H.B. No. 6

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that adopts uniform laws on protecting the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, Commission to Promote Uniform Legislature, and University of Hawai'i System. Your Committees received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committees find that privacy is a growing concern as social media use rises and employers increasingly ask current and prospective employees to grant the employer access to social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students.

Your Committees further find that in recent years there have been a number of reported incidents in which employers and schools have demanded, and received, such access because of their higher bargaining power. Access to those who have leverage over education and livelihood inevitable leads to discrimination, self-censorship, and the chilling of free expression. This measure precludes employers and public and private educational institutes from demanding access to current and prospective employees and current and prospective students' online accounts with exceptions, which will protect students and employees from unwarranted invasions of privacy.

Your Committees note that some testifiers had differing opinions about language to be included in this measure. Your Committees request that those testifiers continue to discuss their differences and attempt to come to consensus as this measure continues through the legislative process.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 6, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 6, H.D. 3, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1509 Labor, Culture and the Arts on H.B. No. 34

The purpose and intent of this measure is to require that the foreperson classification be recognized in wage and hour requirements contained in statute and in collective bargaining agreements for laborers and mechanics on public works projects.

Your Committee received testimony in opposition to this measure from LiUNA. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that under existing law, the foreman classification is not recognized under Hawaii's Davis-Bacon Act. Therefore, a foreman is not covered under a collective bargaining agreement when the agreement establishes the hourly rate. This measure therefore requires that the foreperson classification be covered under a collective bargaining agreement, which will provide wage protections for the foreperson classification and guarantee a level playing field for forepersons when working on a public works project.

Your Committee notes the concerns of the Department of Labor and Industrial Relations and LiUNA regarding the need for a definition of "foreperson" and the requirement that all entities submit a wage classification for forepersons. Amendments to this measure are therefore necessary to address the Department of Labor and Industrial Relations and LiUNA's concerns.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definition of "public work" upon the recommendation of the Department of Labor and Industrial Relations;
- (2) Adopting proposed language from LiUNA to clarify that the foreperson classification shall be recognized as a separate wage classification for public works project only if an organization with a collective bargaining agreement chooses to recognize the foreperson classification as a separate wage classification in the collective bargaining agreement and if so requested by the organization;
- (3) Adopting proposed language from the Department of Labor and Industrial Relations specifying that a foreperson is a laborer or mechanic who works on the project and directs the work of other laborers or mechanics; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 34, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 34, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

## SCRep. 1510 (Joint) Labor, Culture and the Arts and Government Operations on H.B. No. 352

The purpose and intent of this measure is to:

- (1) Provide the President of the Senate and the Speaker of the House of Representatives the authority to jointly allocate and assign for occupation of non-metered parking stalls and all office space at the state capitol except the fifth floor; and
- (2) Provide the Governor the authority to allocate office space on the fifth floor of the state capitol.

Your Committees received testimony in opposition to this measure from the Ho'omanapono Political Action Committee. Your Committees received comments on this measure from the Office of the Governor and Department of Accounting and General Services.

Your Committees find that the State Capitol is utilized and occupied by the Senate, House of Representatives, and executive branch offices. This measure allows these entities to allocate and utilize the space in the State Capitol in a manner that best fits each entity's revolving needs.

Your Committees note that this measure only affects non-metered parking stalls and therefore does not reduce the amount of public metered or handicapped parking stalls at the State Capitol.

Your Committees have amended this measure by:

- Clarifying that the President of the Senate and Speaker of the House of Representatives shall not have the authority to jointly
  allocate and assign for occupation of specific offices on the fourth floor;
- (2) Clarifying that the President of the Senate and Speaker of the House of Representatives shall not have the authority to jointly allocate and assign for occupation parking stalls reserved for the Office of the Governor and Office of the Lieutenant Governor:
- (3) Leaving the amount of parking stalls reserved for the Office of the Governor and Office of the Lieutenant Governor blank; and
- (4) Inserting an effective date of January 1, 2051, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 352, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 352, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella). Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1511 (Joint) Labor, Culture and the Arts and Judiciary on H.B. No. 362

The purpose and intent of this measure is to:

- (1) Permit public inspection and duplication of salary ranges, for legislative employees in incremental amounts of \$15,000, rather than exact compensation amounts; and
- (2) Define "legislative employees".

Your Committees received testimony in support of this measure from the Chief Clerk of the Hawaii State House of Representatives; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committees received testimony in opposition to this measure from the League of Women Voters, Civil Beat Law Center for the Public Interest, and Hawaii Chapter of the Society of Professional Journalists. Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that section 92F-12(a)(14), Hawaii Revised Statutes, requires disclosure of the names and compensation of most state and county employees. Your Committees further find that while civil service employees and certain others are only subject to disclosure of their salaries to within a certain range, other employees including those of the Legislature, are subject to disclosure of exact salary amounts. Your Committees additionally find that this discrepancy in disclosure requirements requires release of more detailed information about one group of state employees over another. This measure eliminates that discrepancy and disparate treatment between public servants.

Your Committees have amended this measure by:

- (1) Changing the incremental amount of salary ranges to be available for public inspection and duplication from \$15,000 to \$10,000; and
- (2) Clarifying the definition of "legislative employees" to include staff of the legislative branch of the State and employees of legislative service agencies as defined by section 21E-1, Hawaii Revised Statutes, except individuals employed as attorneys or who receive a salary greater than \$100,000.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 362, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 362, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1512 (Joint) Labor, Culture and the Arts and Commerce, Consumer Protection, and Health on H.B. No. 390

The purpose and intent of this measure is to make permanent Act 172, Session Laws of Hawaii 2017, which grants employees the right to have a chaperone present during a medical examination relating to a workers' compensation work injury and, with the approval of the examining physician or surgeon, to record the examination. This measure also provides that if an employee or employee's chaperone obstructs the medical examination, the employee's right to worker's compensation shall be suspended until the refusal or obstruction ceases.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, Hawaii Injured Workers Association, ILWU Local 142, Work Injury Medical Association of Hawaii, and three individuals.

Your Committees find that the workers' compensation system is often adversarial in nature as employees and employers often choose physicians to perform independent medical examinations that are highly partisan to their respective sides. Delays in independent medical examinations can cause devastating financial consequences to employees. Independent medical examinations can be stressful and intimidating to injured employees. This measure makes permanent the law that allows employees the right to have a chaperone present and to record the independent medical examination, which will provide better assurance that an independent medical examination is conducted fairly, allow for greater transparency, and provide comfort and safety to employees.

Your Committees have amended this measure by making it effective upon approval.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 390, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 390, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella). Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 1513 Labor, Culture and the Arts on H.B. No. 391

The purpose and intent of this measure is to:

- (1) Establish restrictions on the participation in political activities of certain state employees and officers; and
- (2) Impose penalties for violations.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission and Common Cause Hawaii

Your Committee finds that chapter 84, Hawaii Revised Statutes, the state ethics code, promotes standards of ethical conduct regarding conflicts of interest, fair treatment, confidential information, and the solicitation and receipt of gifts for nominated, appointed, and elected officers, employees, and candidates. Your Committee also finds that section 84-13, Hawaii Revised Statutes, under the fair treatment law, prohibits the use of state resources for campaign purposes, and section 11-354, Hawaii Revised Statutes, prohibits the collection of campaign donations in state facilities. However, currently, state law does not contain comprehensive restrictions on political activity for any state officers or employees. Applying restrictions on the participation in political activities of state government officers and employees who are employed or hold office in state positions with adjudicatory, regulatory, law enforcement, or investigative responsibilities as a regular part of their duties, ensures that political activity by these officers and employees does not compromise public confidence and trust in government.

While this measure attempts to provide comprehensive restrictions, your Committee notes that it is concerned primarily with the solicitation of campaign contributions by certain state officers or employees.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the purpose section and legislative findings relating to the federal Hatch Act and the state code of ethics;
- (2) Deleting language prohibiting covered employees from using their authority or influence for the purpose of interfering with or affecting the result of an election;
- (3) Deleting language prohibiting covered employees from taking an active part in political management or a political campaign;
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 391, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 391, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1514 (Joint) Technology and Energy, Economic Development, and Tourism on H.B. No. 533

The purpose and intent of this measure is to:

- (1) Establish the Hawaii Broadband Office within the Department of Business, Economic Development, and Tourism;
- (2) Establish the position of State Broadband Strategy Officer;
- (3) Require the Director of Business, Economic Development, and Tourism to convene and chair the Broadband Advisory Council; and
- (4) Rename the Broadband Assistance Advisory Council as the Broadband Advisory Council and amend its purpose and membership.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Education; Department of Commerce and Consumer Affairs' Cable Television Division; Economic Development Alliance of Hawaii; and Oahu Economic Development Board.

Your Committees find that there is a strong relationship between broadband access and economic development, education, health, community building, and civic engagement throughout the State. Your Committees find that broadband is essential to maintain Hawaii's global competitiveness and a modern life style, as its use grows in all sectors, particularly in education, retail, and government services. Furthermore, Hawaii's youth will have a critical hardship to overcome if they are not taught vital digital skills or are deprived of educational opportunities that require broadband access. This measure establishes the Hawaii Broadband Office and restructures the Broadband Assistance Advisory Council to improve broadband services throughout the State.

Your Committees have amended this measure by:

- (1) Replacing the Department of Business, Economic Development, and Tourism with the Hawaii Technology Development Corporation as the lead agency; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 533, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 533, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

# SCRep. 1515 Technology on H.B. No. 532

The purpose and intent of this measure is to establish within the Office of Enterprise Technology Services a Chief Data Officer and data task force to develop, implement, and manage statewide data set policies, procedures, and standards.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Department of Education, Office of Enterprise Technology Services, Office of Information Practices, Ulupono Initiative, All Hawaii News, Big Island Press Club, Transform Hawai'i Government, Elemental Excelerator, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that data held by state agencies must be readily available to other state agencies, unless expressly prohibited by law or applicable regulatory requirement, with minimal administrative obstacles, to enable effective, efficient, and transparent delivery of information resources and services. Your Committee further finds that it is equally vital that agencies make reasonable efforts to make data accessible to the public, because such data can inform public policy, stimulate innovation, encourage public engagement, and enhance transparency within the State. By establishing a Chief Data Officer and data task force, this measure ensures that efforts are dedicated to facilitating data sharing across state agencies and determining data sets that are appropriate for public disclosure.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 532, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

#### SCRep. 1516 (Joint) Technology and Energy, Economic Development, and Tourism on H.B. No. 1062

The purpose and intent of this measure is to establish the broadband service infrastructure grant program for the Department of Business, Economic Development, and Tourism (Department) to award grants to applicants to extend deployment of infrastructure used to provide broadband service to unserved and underserved areas of the State.

Your Committees received testimony in support of this measure from the Hawaiian Electric Companies, Charter Communications, and one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs' Cable Television Division; Department of Business, Economic Development, and Tourism; and Hawaiian Telcom.

Your Committees support efforts to improve access to broadband services for residents, consumers, and businesses across the State. Access to broadband services in unserved and underserved areas of Hawaii would enhance economic development, education, health care, and emergency services in those areas. The availability of grants for deployment to unserved and underserved areas, as proposed by this measure, would further those objectives by encouraging new investment in broadband infrastructure.

Your Committees have amended this measure by replacing its contents with a substantively similar measure, which previously passed the Senate, S.B. No. 553, S.D. 2, Regular Session of 2019, and making further amendments. Specifically, your Committees have amended this measure by:

- Amending the definition of "broadband service" to be the same as the definition for "broadband access or broadband service" under section 440J-1, Hawaii Revised Statutes;
- (2) Replacing the term and definition of "broadband service infrastructure" with the term "broadband infrastructure", to have the same meaning as under section 440J-1, Hawaii Revised Statutes;
- (3) Changing the definition of "underserved area" to require minimum speeds in proportion to the minimum broadband service speeds established by the Federal Communications Commission;
- (4) Deleting language that would have prohibited an applicant from using grant funds to upgrade existing broadband infrastructure;
- (5) Deleting language that would have made any applicant who receives funds under another federal or state grant or loan program ineligible for the grant program;
- (6) Deleting language that would have provided that the matching funds shall not be derived from funds received by the applicant through any other federal or state government grant, loan, or subsidy program;
- (7) Requiring an applicant to commit to paying a minimum of fifty percent, rather than twenty percent, of the project costs;
- (8) Requiring applicants to the broadband infrastructure grant program to commit to complying with net neutrality principles;
- (9) Deleting the length of time the applicant has been providing broadband service in the State from the scoring criteria for awarding funding under the grant program;
- (10) Clarifying and reorganizing the scoring criteria for awarding funding under the grant program;
- (11) Deleting language that would have required the Department to not consider certain new or additional regulatory obligations in awarding grants;
- (12) Deleting language that would have required the Department to adopt certain rules;
- (13) Inserting a blank appropriation for the establishment and administration of the broadband infrastructure grant program; and
- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1062, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1062, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 4. Noes, none. Excused, 1 (English).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

### SCRep. 1517 (Joint) Technology and Government Operations on H.B. No. 1593

The purpose and intent of this measure is to require and appropriate funds for the Department of Budget and Finance, in consultation with the Department of Accounting and General Services and the Office of Enterprise Technology Services, to develop and procure a uniform financial database for use by all state agencies.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Department of Education, and Office of Enterprise Technology Services. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that developing a uniform financial database for use by all state agencies would leverage existing information technology systems, consolidate data from multiple existing systems into a single system of record, and normalize disparate account coding practices used by different state agencies, thereby improving government accountability and transparency. Your Committees further find that such a system should be compatible with the software system currently being implemented by the Office of Enterprise Technology Services.

Accordingly, your Committees have amended this measure by:

- (1) Amending the requirement for the uniform financial database to instead require the Department of Education, in consultation with the Office of Enterprise Technology Services, to develop and procure a uniform financial database, with parameters, benefits, and features that are compatible to the software system being implemented by the Office of Enterprise Technology Services for use by all state agencies;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1593, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1593, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

### SCRep. 1518 (Joint) Energy, Economic Development, and Tourism and Technology on H.B. No. 340

The purpose and intent of this measure is to:

- (1) Appropriate funds to the Hawaii Technology Development Corporation for the small business innovation research program and manufacturing assistance program;
- (2) Disallow Hawaii Technology Development Corporation grants to businesses that were awarded a competitive contract from the Department of Defense to research hydrodynamics and demand response; and
- (3) Make an appropriation into, and out of, the alternative energy research and development revolving fund for the purpose of providing grants.

Your Committees received testimony in support of this measure from the Hawaii Technology Development Corporation; Chamber of Commerce Hawaii; Makai Ocean Engineering; Maui Brewing Company; Oceanit; IL Gelato Hawaii; Premier Solutions HI, LLC; Adnoviv LLC; Tridentis Advanced Marine Vehicles, LLC; Maui Kuʻia Estate Chocolate Inc.; Aloha Shoyu Company; HNu Photonics, LLC; Forever Oceans; Experiad; Hawaiian Chip Company; Diagenetix Inc.; Maui Innovation Group, Inc.; Referentia Systems Incorporated; Spectrum Photonics; Nalu Scientific, LLC; Hawaii Fish Company; Kauai Beer Company; and one individual.

Your Committees find that the Hawaii Technology Development Corporation is a key state agency in the development and support of the State's manufacturing industry. Furthermore, continued support for the manufacturing industry is essential to Hawaii's economy. Your Committees further find that the Hawaii Technology Development Corporation's small business innovation research program and manufacturing assistance program play important roles in providing support to more manufacturing companies. This measure appropriates funds to the Hawaii Technology Development Corporation for the small business innovation research program and manufacturing assistance program, which provides grants to small businesses and promotes small businesses and manufacturing in the State

Your Committees have amended this measure by removing the requirement that a business awarded a contract from the Department of Defense shall be eligible for a grant from the Hawaii Technology Development Corporation only if the contract was related to research in the fields of geothermal, solar, wind, ocean power, hydrodynamics, bioenergy, biomass, solid waste, smart grids, transportation, or demand response.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 340, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 340, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi). Technology: Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 1519 Education on H.B. No. 921

The purpose and intent of this measure is to:

- (1) Establish the Executive Office on Early Learning as the administrative authority for State-funded prekindergarten programs, except for special education and Title I-funded prekindergarten programs;
- (2) Require the Department of Education in its implementation of Title I-funded prekindergarten classrooms to adhere to certain quality standards and work with the Executive Office on Early Learning;
- (3) Define the roles and responsibilities of the Executive Office on Early Learning and Department of Education as they relate to the Executive Office on Early Learning Public Prekindergarten Program; and

(4) Establish reporting requirements for the Department of Education, authorizers of public charter schools, and the Executive Office on Early Learning.

Your Committee received testimony in support of this measure from the Department of Human Services, Executive Office on Early Learning, Institute for Native Pacific Education and Culture, Hawaii Chapter of the American Academy of Pediatrics, Parents and Children Together, Early Childhood Action Strategy, and fifty-one individuals. Your Committee received testimony in opposition to this measure from the Department of Education, Kamehameha Schools, and four individuals. Your Committee received comments on this measure from the Office of the Governor, Department of the Attorney General, Board of Education, and one individual.

Your Committee finds that there is a public benefit from substantial investment in high-quality, developmentally appropriate early learning programs. These investments have been driven by significant and continuing research affirming the positive effects of high-quality early learning programs on the physical, cognitive, linguistic, social, emotional, and economic outcomes of young children. Provided with such opportunities, children are more likely to succeed in kindergarten and beyond as well as grow into healthy, capable, and contributing adults. Well-executed and well-targeted early learning programs have immediate and long-term benefits not only for the children participating in the programs but also for the societies in which they live.

Your Committee further finds that although the Department of Education administers programs of education and public instruction throughout the State, the Executive Office on Early Learning should have administrative authority over all state-funded prekindergarten programs and be a resource of support for and with the Department's special education, Title I, and private partnership funded prekindergarten programs to ensure high quality early education programs throughout the State. This measure further defines the roles and responsibilities of the Executive Office on Early Learning and Department of Education as they relate to the implementation of the public prekindergarten program.

Your Committee has amended this measure by:

- (1) Clarifying the purpose section to better align with its contents;
- Specifying that the Department of Education has the authority over and may establish special education, Title I funded, and private partnership funded prekindergarten classrooms;
- (3) Specifying that the memorandum of understanding between the Executive Office on Early Learning and Department of Education shall establish the Executive Office on Early Learning as the entity responsible for certain administrative decisions related to prekindergarten classrooms;
- (4) Specifying that the Executive Office on Early Learning may extend resources and support to other state funded prekindergarten classroom teachers and administrators;
- (5) Specifying that school principals shall be able to include prekindergarten classroom teachers in school-wide professional development;
- (6) Specifying that the Executive Office on Early Learning shall have the administrative authority for services related to curriculum, instruction, assessment, and professional learning support, while the Department of Education shall have oversight for the general services of the facilities, daily operations of the classrooms, and support for the inclusion of teachers and educational assistants in school-wide initiatives and other opportunities as it relates to the prekindergarten program;
- (7) Specifying that the Director of the Executive Office on Early Learning shall be the signatory for all budget documents, appointments of staffing, and official acts of the Executive Office on Early Learning;
- (8) Specifying that the Executive Office on Early Learning shall be solely responsible for decisions and outcomes for any fiscal decisions, personnel issues, audits, and legal consequences for decisions made without the approval of the Superintendent of Education;
- (9) Specifying that any prekindergarten classroom funded by the weighted student formula shall be included in the Executive Office on Early Learning prekindergarten program;
- (10) Specifying that procedures for approval for the establishment of a prekindergarten classroom shall be in the memorandum of understanding between the Executive Office on Early Learning and Department of Education;
- (11) Specifying that the Department of Education shall work with the Executive Office on Early Learning to develop a structure to provide supports for Title I-funded prekindergarten classrooms on various issues;
- (12) Specifying that the Executive Office on Early Learning shall include the Title I-funded prekindergarten classroom data as part of its early learning monitoring report;
- (13) Deleting language that would have required the Executive Office on Early Learning public prekindergarten program to include students with disabilities based on individualized education plan placement and collaborate with the Department of Education to coordinate services for students with disabilities who are in the program;
- (14) Clarifying provisions relating to the high-quality standards of the Executive Office on Early Learning public prekindergarten program;
- (15) Deleting language that would have required teaching staff and principals participating in the Executive Office on Early Learning public prekindergarten program to participate in all relevant professional learning opportunities offered by the Executive Office on Early Learning;
- (16) Deleting provisions relating to the requirements and responsibilities of the teacher and educational assistant teaching in the classroom through the Executive Office on Early Learning public prekindergarten program;

- (17) Deleting language that would have required each school participating in the Executive Office on Early Learning public prekindergarten program to develop and update a two- to three-year plan to promote alignment of and transitions between high-quality learning experiences;
- (18) Specifying that the Executive Office on Early Learning shall collect data with the assistance of the Department of Education for various purposes;
- (19) Deleting language that would have required the Department of Education and every authorizer of a public charter school to submit an annual report to the Legislature regarding public prekindergarten classrooms;
- (20) Clarifying the reporting requirements, with assistance from the Department of Education and every authorizer of a public charter school, of the Executive Office on Early Learning regarding the performance and progress of the public prekindergarten program;
- (21) Specifying procedures for dispute resolution in the event of a dispute between the Department of Education and Executive Office on Early Learning; and
- (22) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 921, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 921, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

#### SCRep. 1520 Education on H.B. No. 1523

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Education for the 2019-2021 fiscal biennium.

Your Committee received testimony in support of this measure from the Department of Education, Department of Accounting and General Services, Executive Office on Early Learning, State Public Charter School Commission, Hawaii State Public Library System, Early Learning Board, HE'E Coalition, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Education to be incorporated into the General Appropriations Act of 2019, or other appropriate legislative vehicle, or to be adopted separately.

Your Committee has amended this measure by:

- (1) Deleting the program appropriations and inserting the program appropriations related to the Department of Education from H.B. No. 2, H.D. 1, S.D. 2 (Regular Session 2019); and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that if your Committee on Ways and Means passes this measure that it consider incorporating the items in this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1523, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1523, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 1521 Education on H.B. No. 622

The purpose and intent of this measure is to:

- (1) Establish reporting requirements for an employee of a charter school under federal investigation regarding the existence of a criminal investigation of, or criminal charges against the employee for, actions taken in the course of employment at the charter school:
- (2) Establish requirements related to the disbursement of funds to charter schools by the Legislature;
- (3) Require authorizers to establish a purchase order system to pay charter school expenses;
- (4) Require authorizers to be responsible for the selection of independent auditors for its annual audit; and
- (5) Prohibit affiliations between Board of Education or State Public Charter School Commission members and charter schools.

Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs; Kualapu'u Public Conversion Charter School; The Volcano School of Arts and Sciences, PCS; University Laboratory School; Hoʻokākoo Corporation; Kanu o ka 'Āina Learning 'Ohana; Hawaii Technology Academy; Kua O Ka La NCPCS; Kula Aupuni Niihau A Kahelelani Aloha PCS; Kanu O Ka 'Āina; Connections Public Charter School; Kapolei Charter School; Ke Kula O Samuel M Kamakau, LPCS; Hālau Kū Māna; Innovations Public Charter School; Waimea Middle School; and numerous individuals. Your Committee received comments on this measure from the Board of Education, State Public Charter School Commission, and one individual.

Your Committee finds that oversight and accountability are vital to the operation of the public charter school system in Hawaii. However, your Committee further finds that a degree of oversight which undermines the autonomy of individual charter schools runs counter to the policy goals of the charter school system.

Accordingly, your Committee has amended this measure by:

- (1) Removing language establishing reporting requirements for an employee of a charter school under federal investigation;
- (2) Requiring control of public funds disbursed to a charter school to be transferred to the Public Charter School Commission upon filing of federal criminal charges against an employee of the charter school for actions taken in the course of employment at the charter school:
- (3) Requiring authorizers to establish a banking account system to pay charter school expenses instead of a purchase order system;
- (4) Prohibiting individuals from serving as Board of Education or Public Charter School Commission members if the individual was affiliated with a charter school within four years preceding the appointment; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 622, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 622, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 1522 (Joint) Education and Energy, Economic Development, and Tourism on H.B. No. 1583

The purpose and intent of this measure is to:

- (1) Require the Department of Education to establish a pilot program in at least four schools to install renewable energy systems capable of providing backup power in the event of a natural disaster or other similar emergency; and
- (2) Require the Public Utilities Commission to consider in its current and ongoing proceedings ways to incentivize the implementation of renewable energy systems in public schools.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Education, and Public Utilities Commission.

Your Committees find that Hawaii's residents and businesses are vulnerable to disruptions in the State's energy systems caused by extreme weather events or other disasters. In many areas of the State, Hawaii residents and visitors rely on public school structures that serve as designated shelters during disaster events.

Your Committees further find that many public schools have begun to install renewable energy systems in order to meet the State's goal for public schools to become net-zero in regard to energy use by the year 2035. This measure provides incentives for the Department of Education to invest in such systems and encourages the Public Utilities Commission to consider ways to incentivize the implementation of renewable energy systems in public schools.

Your Committees have amended this measure by:

- (1) Removing the requirement that the renewable energy system established by the Department of Education be capable of continuously providing backup power;
- (2) Removing the mandate that the Department of Education conduct a pilot program in at least four schools;
- (3) Authorizing the Department of Education to evaluate the feasibility and cost-benefit of renewable powered backup system at one facility;
- (4) Authorizing the Natural Energy Laboratory of Hawaii to establish a microgrid demonstration project;
- (5) Authorizing the Department of Transportation to perform a microgrid feasibility and cost-benefit analysis at an appropriate facility with an existing or proposed renewable energy system that is capable of providing backup electrical power;
- (6) Expanding the consideration of the Public Utilities Commission to include feasibility, cost-benefit, and possible ways to incentivize installation of renewable energy backup systems in public facilities by incorporating findings and data reported from the public facility microgrid evaluations and pilot programs authorized in this measure;
- (7) Updating the purpose section to reflect the amendments made to this measure; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1583, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1583, H.D. 2, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).

#### SCRep. 1523 Housing on H.B. No. 820

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Hawaii Housing Finance and Development Corporation (HHFDC) and Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority and Hawaii Housing Finance and Development Corporation.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and:

- Inserting the contents of Senate Bill No. 362 (Regular Session of 2019), which prohibits any county law, ordinance, or rule
  from imposing an inclusionary zoning requirement on housing offered exclusively for sale in perpetuity to buyers who are
  residents of the State, are owner-occupants, and do not own any other real property; and
- (2) Inserting language that:
  - (A) Establishes the ALOHA homes program and all of its rules and requirements, including the ALOHA homes revolving fund, to facilitate the development of low-cost homes for sale to Hawaii residents on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the HHFDC to qualified residents;
  - (B) Exempts lands that are set aside by the Governor to HHFDC and lands leased to HHFDC by any department or agency of the State from the definition of "public lands" in chapter 171, Hawaii Revised Statutes, except for purposes of accounting for public land trust receipts;
  - (C) Authorizes the HHFDC to sell the leasehold interest in residential condominium units located on state lands for lease terms of 99 years; and
  - (D) Appropriates funds into and out of the ALOHA homes revolving fund.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii Housing Finance and Development Corporation, Disability and Communication Access Board, Ulupono Initiative, Chamber of Commerce Hawaii, Iron Workers Stabilization Fund, Building Industry Association of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, and one individual. Your Committee received testimony in opposition to the proposed S.D. 1 from the City and County of Honolulu Department of Planning and Permitting, Friends of Makakilo, IATSE Local 665, and five individuals. Your Committee received comments on the proposed S.D. 1 from the Department of the Attorney General, Department of Budget and Finance, and Department of Hawaiian Home Lands.

Your Committee finds that there is a severe lack of affordable housing, resulting in residents leaving Hawaii in hopes of better living conditions. Reports have shown that the State would need at least 65,000 new housing units to solve the shortage. However, there has been a lack of measureable progress at the state and county level to enact policies that will stimulate housing production to meet this projected demand.

Your Committee further finds that there are significant barriers to the development of affordable housing in Hawaii, such as geographic limitations, lack of major infrastructure, and government regulation. Your Committee acknowledges that the State has been putting more emphasis on creating more affordable housing but despite these efforts, the amount of new and affordable housing, especially for low- to middle-income families, continues to be inadequate. The proposed S.D. 1 dramatically expands the production of housing units and provides an innovative means of providing more affordable housing to residents of the State.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- Deleting the requirement that urban redevelopment sites shall include all county-owned lands within a transit-oriented development area;
- (2) Amending the principles generally governing HHFDC's action in the urban redevelopment site;
- (3) Requiring, rather than authorizing, HHFDC to transfer ALOHA homes units to the Department of Hawaiian Home Lands and Office of Hawaiian Affairs; provided that HHFDC adopts rules to determine the number of units or percentage of units to be transferred:
- (4) Excluding lands set aside by the Governor to the Hawaii Public Housing Authority or lands to which the Hawaii Public Housing Authority in its corporate capacity holds title from the definition of "public lands" in chapter 171, Hawaii Revised Statutes;
- (5) Requiring prior legislative approval for the sale of lands to which the Hawaii Public Housing Authority holds title; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes the concerns expressed by several testifiers that this measure would include bus stops as a public transit station, essentially allowing transit-oriented development to occur throughout the State. Your Committee finds that as currently drafted, this measure does not include bus stops in the definition of a "public transit station" as it is defined as a "station of the Honolulu rail transit system" and therefore your Committee believes that those concerns have been addressed.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 820, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 820, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 1524 (Joint) Energy, Economic Development, and Tourism and Government Operations on H.B. No. 1586

The purpose and intent of this measure is to:

- (1) Establish a new Department of Environment as a principal state department; and
- (2) Transfer certain agencies and programs administered by the Department of Health and Department of Business, Economic Development, and Tourism to the Department of Environment.

Your Committees received testimony in support of this measure from the O'ahu Island Parks Conservancy and Blue Planet Foundation. Your Committees received comments on this measure from Ulupono Initiative.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language that:

- (1) Establishes a new Hawaii State Energy Office;
- (2) Establishes a new position of Deputy Director of Energy, who shall also serve as the Energy Resources Coordinator, and the Deputy Director's duties;
- (3) Repeals the distribution of barrel tax revenue and fossil fuel tax on distributors revenue to the energy security special fund and increases distributions from both to the energy systems development special fund;
- (4) Appropriates funds for the Hawaii State Energy Office; and
- (5) Inserts an effective date of July 1, 2050.

Your Committees received comments on the proposed S.D. 1 from the Department of Business, Economic Development, and Tourism and Ulupono Initiative.

Your Committees find that the management and direction of the state energy sector is becoming increasingly complex and critical. Your Committees also find that statewide coordination and the establishment of a state agency specifically tasked with reducing and managing the State's energy use is necessary. This measure establishes the Hawaii State Energy Office and defines the duties of the Deputy Director of Energy, which will help further Hawaii's clean energy initiative.

Your Committees have amended this measure by:

- (1) Inserting a purpose section;
- (2) Establishing the Hawaii State Energy Office within the Department of Business, Economic Development, and Tourism;
- (3) Establishing duties, roles, and reporting requirements for the Hawaii State Energy Office;
- (4) Repealing the establishment of the Energy Resources Coordinator position, the Coordinator's powers and duties, and the establishment of the Renewable Energy Facilitator position, and transferring some of the powers and duties of the Energy Resources Coordinator to the Deputy Director of Energy;
- (5) Establishing powers and duties of the Deputy Director of Energy and making the appointment of the Deputy Director of Energy subject to the advice and consent of the Senate;
- (6) Amending the allowable uses of the energy security special fund to disallow the use of funds for staffing costs;
- (7) Reinstating the existing statutory allocations of barrel tax revenue and fossil fuel tax on distributors revenue; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1586, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1586, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Kanuha, Fevella).

## SCRep. 1525 (Majority) Commerce, Consumer Protection, and Health on H.B. No. 1539

The purpose and intent of this measure is to dissolve the Oahu Regional Health Care System and transfer its duties, functions, and personnel to the Hawaii Health Systems Corporation Board of Directors.

Your Committee received testimony in support of this measure from the Board of Directors of the Hawaii Health Systems Corporation, West Hawaii Region of the Hawaii Health Systems Corporation, and nine individuals. Your Committee received testimony in opposition to this measure from the Oahu Regional Hawaii Health System Board of Directors; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and twenty-seven individuals. Your Committee received comments on this measure from the East Hawaii Regional Board of the Hawaii Health Systems Corporation.

Your Committee finds that the regional autonomy of having five semi-independent regions, one each for Kauai, Maui, East Hawaii, West Hawaii, and Oahu, has been more successful on the neighbor islands than for Oahu. Oahu is unique in the regional system because of the logistical complexities of the Oahu Region's facilities and the limited but crucial nature of the services these facilities provide. The two Oahu region facilities, Leahi Hospital and Maluhia Hospital, are long-term care facilities that play an important role

in their communities where long-term care needs are high. Furthermore, your Committee notes that the Oahu region facilities fill a gap in services by providing care to Medicaid and other low income populations traditionally underserved by private facilities.

It is the intent of your Committee to continue the regional autonomy of the Oahu Region under its board and not repeal the Oahu Regional Board at this time. Your Committee finds there are concerns about the long-term viability of the Oahu Region but that the Oahu Regional Board is working to address those concerns and needs additional time for its plans to come to fruition. While this measure is the beginning of a transition plan for the Oahu Region to exit the Hawaii Health Systems Corporation in five years, it is the intention of your Committee that it be implemented only if, after receiving a final report on long-term financial viability from the Oahu Regional Board, the Legislature continues to have concerns about the viability of the Oahu Region.

Your Committee has amended this measure by:

- (1) Amending the composition of the Hawaii Health Systems Corporation Board to include five, rather than two, members who reside on the Island of Oahu and two, rather than three, members who reside in the County of Maui;
- (2) Creating a right of first refusal for the Department of Health, Governor's Coordinator on Homelessness, and Mayor of the City and County of Honolulu to purchase the property or rights to the lease if the Hawaii Health Systems Corporation Board fully or partially privatizes Leahi or Maluhia Hospital;
- (3) Clarifying that an exempt employee transferred as a consequence of this measure shall be entitled to remain employed in the employee's current position for a period of no less than one year after being transferred;
- (4) Requiring the Oahu Regional Board to create a five-year sustainability plan in consultation with the Behavioral Health Services Administration of the Department of Health, Governor's Coordinator on Homelessness, and City and County of Honolulu and submit interim and final reports regarding the plan to the Legislature;
- (5) Specifying the contents of the sustainability plan, including maximizing unmet health and treatment needs for Oahu's vulnerable populations and requiring the Oahu Regional Board to approve any steps taken toward full or partial privatization and continue managing its facilities;
- (6) Changing its effecting date to July 1, 2019, and inserting a sunset date of July 1, 2024, for the Oahu Regional Health Care System, and transferring its duties, functions, and personnel to the Hawaii Health Systems Corporation Board of Directors at that time, unless the Legislature adopts a Concurrent Resolution prior to June 30, 2024, finding that retention of the Oahu Regional Board is in the best interest of the State; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1539, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1539, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 5; Ayes with Reservations (Fevella). Noes, 1 (Chang). Excused, 1 (Nishihara).

## SCRep. 1526 Technology on Gov. Msg. Nos. 548, 549, and 550

Recommending that the Senate advise and consent to the nominations of the following:

# ENHANCED 911 BOARD

G.M. No. 548 ALLISON BLAKE, for a term to expire 06-30-2020;

G.M. No. 549 ELLIOTT KE, for a term to expire 06-30-2020; and

G.M. No. 550 FRANCIS ALUETA, for a term to expire 06-30-2020

Your Committee reviewed the personal histories, resumes, and statements submitted by Allison Blake, Elliott Ke, and Francis Alueta for service on the Enhanced 911 Board.

# ALLISON BLAKE

Your Committee received testimony in support of the nomination for the appointment of Allison Blake from the Department of Accounting and General Services, Enhanced 911 Board, Maui Police Department, Verizon Wireless, and one individual.

Upon review of the testimony, your Committee finds that Ms. Blake's experience in wireless communications, commitment to public service, and proven leadership qualify her for appointment to the Enhanced 911 Board. Your Committee notes that Ms. Blake has been the District Manager of Sprint for over a decade. Ms. Blake has a Bachelor of Arts degree in Business Management and a Master of Business Administration degree in International Management. Your Committee finds that Ms. Blake's appointment fulfills the statutory requirement of representation on the Enhanced 911 Board from a wireless communications service provider.

## ELLIOTT KE

Your Committee received testimony in support of the nomination for the appointment of Elliott Ke from the Department of Accounting and General Services, Enhanced 911 Board, Maui Police Department, Verizon Wireless, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Ke's experience in law enforcement, commitment to public service, and proven leadership qualify him for appointment to the Enhanced 911 Board. Your Committee notes that Mr. Ke currently serves as the Kauai Police Department Captain of the Office of the Chief of Police. Mr. Ke's law enforcement experience ranges from the Investigative Services Bureau to Patrol Services Bureau to the Office of Professional Standards and Criminal Intelligence Unit. Your

Committee finds that Mr. Ke's appointment fulfills the statutory requirement of representation on the Enhanced 911 Board from the Kauai Public Safety Answering Point.

### FRANCIS ALUETA

Your Committee received testimony in support of the nomination for the appointment of Francis Alueta from the Department of Accounting and General Services, Enhanced 911 Board, Maui Police Department, Hawaiian Telcom, Verizon Wireless, and fifteen individuals.

Upon review of the testimony, your Committee finds that Mr. Alueta's experience in network engineering and telecommunications management, commitment to public service, and proven leadership qualify him for appointment to the Enhanced 911 Board. Your Committee notes that Mr. Alueta currently works as the Director of Network Reliability for Hawaiian Telcom and has worked in network engineering and operations for over two decades. Mr. Alueta has a Bachelor of Science degree in Electrical Engineering and a Master of Science degree in Telecommunication Management. Your Committee finds that Mr. Alueta's appointment fulfills the statutory requirement of representation on the Enhanced 911 Board from a public utility providing telecommunications services and land line enhanced 911 services.

As affirmed by the records of votes of the members of your Committee on Technology that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 1527 Technology on Gov. Msg. No. 581

Recommending that the Senate advise and consent to the nomination of the following:

### CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

G.M. No. 581 DOUGLAS G. MURDOCK, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Douglas G. Murdock for service as the Chief Information Officer.

Your Committee received testimony in support of the nomination for the appointment of Douglas G. Murdock from the Governor, Department of Accounting and General Services, Department of Agriculture, Department of Health, Department of Human Resources Development, Department of Labor and Industrial Relations, Department of Transportation, Department of Hawaiian Home Lands, Office of Enterprise Technology Services, Transform Hawaii Government, and fourteen individuals.

Upon review of the testimony, your Committee finds that Mr. Murdock's legal, business, and government experience, desire to contribute to the community, and previous leadership experience qualify him for appointment as the Chief Information Officer. Mr. Murdock currently serves as the Chief Technology Officer of the Department of Human Services. Your Committee notes that Mr. Murdock has previously served, among other positions, as the Comptroller, System Analyst Lead of the Payroll Modernization Project under the Department of Accounting and General Services, member of the Hawaii Procurement Policy Board, and Vice President of Administrative and Fiscal Affairs of the Hawaii Tourism Authority. Additionally, Mr. Murdock served over twenty-five years in the United States Air Force. Mr. Murdock has provided advice to high-ranking government officials and business leaders on procurement, ethics, regulatory compliance, strategic planning, information technology, and business operations.

Testifiers commented that Mr. Murdock is collaborative, knowledgeable, dedicated, well-qualified, and well-credentialed. Your Committee finds that Mr. Murdock brings to the Department extensive leadership experience with state and federal government and the private sector that will assist the State in reaching its goals of enterprise-wide information technology advancements and modernization.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 1528 Ways and Means on Gov. Msg. No. 602

Recommending that the Senate advise and consent to the nomination of the following:

# **DIRECTOR, DEPARTMENT OF TAXATION**

G.M. No. 602 Linda Chu Takayama, for a term to expire 12-05-2022

Your Committee reviewed the personal statement and resume submitted by Linda Chu Takayama for service as Director of Taxation.

Your Committee received testimony in support of the nomination of Linda Chu Takayama from the Office of the Governor; Department of Defense; Department of Human Resources and Development; Department of Health; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations, Workforce Development Division; Department of Accounting and General Services; Department of Transportation; Department of Human Services; Department of Agriculture; Department of Public Safety; Department of Hawaiian Home Lands; Department of Labor and Industrial Relations; Office of Enterprise Technology Services; Hawaii Pacific Health; Oahu County Democrats; Hawaii Carpenters Apprenticeship and Training Fund; Hawaii Medical Service Association; and numerous individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that in addition to the nominee's leadership as Director of Taxation and, prior to that, Director of Labor and Industrial Relations, the nominee's knowledge of business, accounting, and taxation qualify her to continue to serve as Director of Taxation. Your Committee notes that Ms. Takayama's professional experience also includes assignments as lead for economic development at the City and County of Honolulu, Deputy Director of Commerce and Consumer Affairs, Insurance Commissioner for the State of Hawaii, and Chief of Staff for the United States Senate Sergeant-at-Arms.

Your Committee finds that Linda Chu Takayama's extensive executive experience will benefit the Department of Taxation as it enters the final phase of the Tax System Modernization project, a multi-year effort that is projected to be completed on schedule.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

### SCRep. 1529 Ways and Means on Gov. Msg. No. 603

Recommending that the Senate advise and consent to the nomination of the following:

## DEPUTY DIRECTOR OF THE DEPARTMENT OF TAXATION

G.M. No. 603 DAMIEN A. ELEFANTE, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal statement and resume submitted by Damien Elefante for service as the Deputy Director of the Department of Taxation.

Your Committee received testimony in support of the nomination from the Office of the Governor; Department of Defense; Department of Human Resources and Development; Department of Business, Economic Development, and Tourism; Department of Human Services; Department of Accounting and General Services; Department of Transportation; Department of Accounting and General Services; Department of Public Safety; Department of Agriculture; Department of Hawaiian Home Lands; Office of Enterprise Technology Services; and numerous individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has served as the Deputy Director of Taxation since August 2016. Your Committee notes that the nominee previously served as Compliance Coordinator for the Department of Taxation; Deputy Attorney General, focusing on tax-related cases; Associate Attorney at Hiska Stone Goto Yoshida Cosgrove and Ching; and law clerk for Chief Judge James S. Burns at the Intermediate Court of Appeals. Your Committee also notes that the nominee earned a Bachelor of Arts degree in political science from the University of Hawaii at Manoa and a law degree from Syracuse University College of Law.

Your Committee finds that Damien Elefante's education and extensive experience in law, taxation, and public service will make him an effective Deputy Director of Taxation.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Riviere). Noes, none. Excused, 4 (Harimoto, Kahele, Shimabukuro, Taniguchi).

# SCRep. 1530 Commerce, Consumer Protection, and Health on S.C.R. No. 200

The purpose and intent of this measure is to request the Public Utilities Commission to approve a subsidy through utility rates for reasonable ratemaking treatment to lessen the burden of energy costs on low- and limited-income and special medical needs customers.

Your Committee received testimony in support of this measure from the Department of Human Services; Hawaiian Electric Company, Inc.; Maui Economic Opportunity, Inc.; Parents and Children Together; Aloha United Way; Honolulu Community Action Program, Inc.; Helping Hands Hawai'i; and Hospice Hawai'i. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Public Utilities Commission.

Your Committee finds that Hawaii's high cost of living greatly affects the low-income population and utility customers with special medical needs. Although the rates for rent and mortgages in Hawaii are the highest in the nation, the median earnings are only slightly higher than the United States median at \$46,978 per year. Utility costs associated with special medical needs, such as life support equipment or increased cooling due to a medical condition, can be unrelenting and can easily cause an individual or family to lose their financial stability. This measure lays the framework for electric utility companies to pursue programs to help low-income and special medical needs customers and allows the Public Utilities Commission to approve a subsidy through ratemaking to help lessen the burden of energy costs for underserved customers.

Your Committee notes the testimony from the Department of Commerce and Consumer Affairs expressing concern that there are already a number of existing programs that provide assistance for low-income customers and requiring the Commission to approve one specific subsidy model may not be sustainable and could result in unintended consequences. The Department of Commerce and Consumer Affairs testified that providing the Commission with more flexibility will help ensure that all customers benefit and that, where necessary, innovative and cost-effective solutions that do not result in unintended consequences are explored and developed. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Clarifying that the Public Utilities Commission is requested to consider, rather than approve, reasonable ratemaking treatment and cost-effective solutions to lessen the burden of energy costs on low- and limited-income and special medical needs customers:
- (2) Requesting that the Public Utilities Commission and interested stakeholders to explore cost-effective solutions;
- (3) Amending its title in accordance with its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 200, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 200, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

#### SCRep. 1531 Commerce, Consumer Protection, and Health on H.B. No. 68

The purpose and intent of this measure is to prohibit a merchant in the State from adopting a warranty policy that requires a purchaser to pay an additional fee to obtain a repair, replacement, or refund for goods returned pursuant to the warranty.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Protection. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that some merchants charge consumers a "warranty processing fee" even when a warranted product is being returned because of a manufacturer's defect. Your Committee further finds that shifting the cost to process a return, replacement, or refund for a defective product onto a consumer is inappropriate, as these fees should be borne by the merchant. Accordingly, this measure prohibits a merchant in the State from collecting fees or making a consumer pay to obtain a repair, replacement, or refund for goods returned pursuant to a manufacturer's warranty.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 68, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 68, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 1532 Commerce, Consumer Protection, and Health on H.B. No. 314

The purpose and intent of this measure is to require a gift certificate issuer to redeem the remaining value of a gift certificate for cash if the gift certificate has a balance of less than \$5.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from the Hawai'i Restaurant Association, Retail Merchants of Hawaii, and Hawaii Food Industry Association.

Your Committee finds that after a consumer uses a gift card, there may be a small balance remaining that often goes unused or forgotten or is lost upon loss of the gift card. In addition, many consumers may purposefully discard a gift card with a negligible balance because they would not find any value in keeping a gift card with such small purchasing power. This is supported by statistics issued by Consumer Reports, which reported that billions of dollars are left unspent and unredeemed on gift certificates in the United States each year. Your Committee notes that existing law states that balances left on unredeemed gift certificates do not belong to the merchant. Rather, the balances remaining after the expiration date are turned over to the State as unclaimed property. Consequently, requiring merchants to provide the balance as cash to customers does not deprive merchants of anything to which they are entitled and in fact facilitates the disposition of funds that might otherwise have to be turned over to the State as unclaimed property. This measure requires a gift certificate issuer to redeem the remaining value of a gift certificate for cash if the gift certificate has a balance of less than \$5, thereby helping to ensure that consumers receive the full benefit of a gift certificate.

Your Committee has amended this measure by inserting an effective date of January 1, 2020.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 314, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 314, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Ruderman). Noes, none. Excused, 1 (Fevella).

## SCRep. 1533 Judiciary on H.B. No. 165

The purpose and intent of this measure is to require a candidate committee or noncandidate committee to inform the Campaign Spending Commission if the candidate committee or noncandidate committee does not intend to receive or spend more than \$1,000 in an election period.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and League of Women Voters of Hawaii.

Your Committee finds that requiring candidate and noncandidate committees to file preliminary and final preliminary reports when they do not intend to make substantial expenditures or contributions during an election period is not necessary. Your Committee further finds that without knowledge of that intent, the Campaign Spending Commission is required to track such candidate and noncandidate committees, generate notices of late reports, and assess fines for failure to submit those reports. This measure will require candidate and noncandidate committees who intend to make expenditures or contributions of less than \$1,000 during an election period to notify the Campaign Spending Commission of that intent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 165, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1534 Higher Education on S.C.R. No. 77

The purpose and intent of this measure is to encourage the Legislature to fund the Hawaii rural health care provider loan repayment program.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Office of the Mayor of the County of Hawai'i.

Your Committee finds that many residents of Hawaii are increasingly unable to obtain timely and appropriate health care due to a shortage of primary health care providers in the State. This may be the result of the increasingly high cost of health care professional education, which often requires individuals to seek out the higher incomes that allow them to repay their student loans in specialty care in urban areas and not in the areas of greatest need in Hawaii. Your Committee further finds that since September 1, 2012, at least twenty-five health care providers have received loan repayment to work in health professional shortage areas in Hawaii and are still serving these communities through the Hawaii rural health care provider loan repayment program. Therefore, further funding is needed to continue the Hawaii rural health care provider loan repayment program to provide loan repayment for physicians, physician assistants, and nurse practitioners who agree to work in a federally designated health professional shortage area or an area of Hawaii found to be underserved.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 77, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 77, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

# SCRep. 1535 Higher Education on S.R. No. 54

The purpose and intent of this measure is to encourage the Legislature to fund the Hawaii rural health care provider loan repayment program.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Office of the Mayor of the County of Hawai'i.

Your Committee finds that many residents of Hawaii are increasingly unable to obtain timely and appropriate health care due to a shortage of primary health care providers in the State. This may be the result of the increasingly high cost of health care professional education, which often requires individuals to seek out the higher incomes that allow them to repay their student loans in specialty care in urban areas and not in the areas of greatest need in Hawaii. Your Committee further finds that since September 1, 2012, at least twenty-five health care providers have received loan repayment to work in health professional shortage areas in Hawaii and are still serving these communities through the Hawaii rural health care provider loan repayment program. Therefore, further funding is needed to continue the Hawaii rural health care provider loan repayment program to provide loan repayment for physicians, physician assistants, and nurse practitioners who agree to work in a federally designated health professional shortage area or an area of Hawaii found to be underserved.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 54, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 54, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 1536 Higher Education on S.C.R. No. 82

The purpose and intent of this measure is to encourage the University of Hawaii John A. Burns School of Medicine to study the impact and feasibility of creating a teaching hospital in West Hawaii.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that Hawaii faces a growing shortage of physicians who can provide direct care to patients. Additionally, the County of Hawaii has a large and medically underserved rural community. Your Committee further finds that a teaching hospital on Hawaii island may help to attract and retain a high-quality, diverse physician workforce to the State and provide a broader and more complete network of care for individuals in the community. Therefore, because of the potential benefits of a teaching hospital on Hawaii island, it is important to investigate the feasibility and impact that establishing a teaching hospital may have on the Hawaii island community and the State.

Your Committee has amended this measure by:

- Inserting language that requests the University of Hawaii John A. Burns School of Medicine to collaborate with the Hawaii
  Health Systems Corporation to conduct the study on the impact and feasibility of creating a teaching hospital in West Hawaii;
- (2) Amending its title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 82, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 82, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

### SCRep. 1537 Higher Education on S.R. No. 59

The purpose and intent of this measure is to encourage the University of Hawaii John A. Burns School of Medicine to study the impact and feasibility of creating a teaching hospital in West Hawaii.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that Hawaii faces a growing shortage of physicians who can provide direct care to patients. Additionally, the County of Hawaii has a large and medically underserved rural community. Your Committee further finds that a teaching hospital on Hawaii island may help to attract and retain a high-quality, diverse physician workforce to the State and provide a broader and more complete network of care for individuals in the community. Therefore, because of the potential benefits of a teaching hospital on Hawaii island, it is important to investigate the feasibility and impact that establishing a teaching hospital may have on the Hawaii island community and the State.

Your Committee has amended this measure by:

- (1) Inserting language that requests the University of Hawaii John A. Burns School of Medicine to collaborate with the Hawaii Health Systems Corporation to conduct the study on the impact and feasibility of creating a teaching hospital in West Hawaii;
- (2) Amending its title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 59, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 59, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

# SCRep. 1538 Higher Education on S.C.R. No. 125

The purpose and intent of this measure is to urge the University of Hawaii, in consultation with its facilities offices, the Department of Accounting and General Services, and industry representatives, to develop an integrated plan to provide certificates, degrees, and associated pathways in the areas of facilities maintenance and construction management.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that the State currently has a deferred maintenance backlog valued at approximately \$4,000,000,000 and faces a shortage of qualified candidates for numerous vacant building facility manager and maintenance worker positions. This shortage may be the result of a lack of a formal training pipeline for building facilities maintenance and construction management positions. Increasing the number of qualified individuals in the area of facilities maintenance and construction management through academic pathways and professional development can help address the high vacancy rates across public and private industries and ensure employee retention in these critical jobs.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 125 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 1539 Higher Education on S.R. No. 95

The purpose and intent of this measure is to urge the University of Hawaii, in consultation with its facilities offices, the Department of Accounting and General Services, and industry representatives, to develop an integrated plan to provide certificates, degrees, and associated pathways in the areas of facilities maintenance and construction management.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that the State currently has a deferred maintenance backlog valued at approximately \$4,000,000,000 and faces a shortage of qualified candidates for numerous vacant building facility manager and maintenance worker positions. This shortage may be the result of a lack of a formal training pipeline for building facilities maintenance and construction management positions. Increasing the number of qualified individuals in the area of facilities maintenance and construction management through academic pathways and professional development can help address the high vacancy rates across public and private industries and ensure employee retention in these critical jobs.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 95 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 1540 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 62

The purpose and intent of this measure is to request the Coordinator on Homelessness and the City and County of Honolulu to come together and prioritize the homeless efforts in the area surrounding the Hawaii Children's Discovery Center by convening a task force.

Your Committees received testimony in support of this measure from the Hawaii Children's Discovery Center and nine individuals. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness and Hawaii Community Development Authority.

Your Committees find that children's museums play a significant role in promoting lifelong learning and serve as important cultural resources within the community. The Hawaii Children's Discovery Center (Center) is the first and only children's museum in the State. The Center's mission is to bring information and experiences about the world to the children of Hawaii and instill in Hawaii's children pride in themselves and their ethnic and cultural heritage. The Center is a popular visitor attraction for families with children of all ages and a place where they can experience, explore, investigate, and discover things about themselves and the world around them in a creative and fun environment that includes hands-on, interactive exhibits.

Your Committees further find that the Center has experienced extreme hardships due to the homeless population that surrounds the perimeter of the building. The Center's financial resources are allocated for maintenance and repair issues as a result of trespassing, vandalism, and theft on the property. The safety of the children that enter and leave the Center is a concern since the areas around the Center are often unsanitary and there are reports of violence, drug dealing, crime, and other illicit behavior that goes on in the surrounding homeless encampments. Coordinated efforts by the City and State, together with social service agencies and health care providers, have not provided any long-term solution to this problem. The homeless encampments have become so detrimental to the Center and its patrons that the Center may be forced to close. This measure requests the Coordinator on Homelessness and the City and County of Honolulu to establish a task force to come up with strategies to assist individuals and families facing homelessness around the Center and protect the Center from the effects of homelessness, which would allow the Center to be the safe haven it was intended to be for children who come to the Center to learn through play.

Your Committees have amended this measure by:

- Amending the composition of the task force to include one representative each from the Family Assessment Center, Next Step Shelter, and Kalihi Palama Health Center, if willing to serve;
- (2) Making a technical amendment to its title; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 62, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 62, S.D. 1.

Signed by the Chairs on behalf of the Committees. Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella). Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

# SCRep. 1541 Agriculture and Environment on S.C.R. No. 31

The purpose and intent of this measure is to urge the Legislature to designate the Hawaii State Capitol building and its grounds as a single-use plastic free zone.

Your Committee received testimony in support of this measure from the Sierra Club of Hawai'i, Animal Rights Hawai'i, Pele Lani Farm LLC, Keiko Conservation, Zero Waste O'ahu, and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that a growing body of scientific literature has identified potential human health hazards from plastics, including the release of carcinogenic chemicals from plastic. Your Committee further finds that micro-plastics are ingested by marine animals and can thereby bring toxic chemicals into food sources and harm marine animals. This measure urges the designation of the State Capitol grounds as a single-use plastic free zone so that the State may lead by example in eliminating single-use plastics.

Your Committee has amended this measure by:

- (1) Replacing references to the Legislature with the State Capitol Management Committee to clarify who will lead the designation of the Hawaii State Capitol as a single-use plastic free zone;
- Removing the reference to creating a working group, to allow the State Capitol Management Committee to decide how to implement the single-use plastic free zone;
- (3) Amending the title to "Senate Concurrent Resolution Urging the State Capitol Management Committee to Designate the Hawaii State Capitol Building and its Grounds as a Single-Use Plastic Free Zone"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 31, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 31, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

# ep. 1542 Agriculture and Environment on S.R. No. 23

The purpose and intent of this measure is to urge the Legislature to designate the Hawaii State Capitol building and its grounds as a single-use plastic free zone.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that a growing body of scientific literature has identified potential human health hazards from plastics, including the release of carcinogenic chemicals from plastic. Your Committee further finds that micro-plastics are ingested by marine animals and can thereby bring toxic chemicals into food sources and harm marine animals. This measure urges the designation of the State Capitol grounds as a single-use plastic free zone so that the State may lead by example in eliminating single-use plastics.

Your Committee has amended this measure by:

- (1) Replacing references to the Legislature with the State Capitol Management Committee to clarify who will lead the designation of the Hawaii State Capitol as a single-use plastic free zone;
- (2) Removing the reference to creating a working group, to allow the State Capitol Management Committee to decide how to implement the single-use plastic free zone;
- (3) Amending the title to "Senate Concurrent Resolution Urging the State Capitol Management Committee to Designate the Hawaii State Capitol Building and its Grounds as a Single-Use Plastic Free Zone"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 23, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 23, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 1543 Agriculture and Environment on S.C.R. No. 53

The purpose and intent of this measure is to request the County of Maui to approve the installation and use of composting toilets throughout Maui, especially in remote areas where county sewer line access and cesspool conversion can be cost-prohibitive.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that composting toilets use no water and produce compost that can be used to enrich the soil. Your Committee further finds that in certain areas of Maui, geological features, such as hard volcanic rock and a shallow water table, or the limits of existing infrastructure, have made the use of conventional flush and septic systems impracticable. Your Committee notes that this measure aligns with state law, which already requires the counties to approve the installation and use of composting toilets in areas inaccessible to municipal wastewater systems.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 53 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 1544 Agriculture and Environment on S.R. No. 37

The purpose and intent of this measure is to request the County of Maui to approve the installation and use of composting toilets throughout Maui, especially in remote areas where county sewer line access and cesspool conversion can be cost-prohibitive.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that composting toilets use no water and produce compost that can be used to enrich the soil. Your Committee further finds that in certain areas of Maui, geological features, such as hard volcanic rock and a shallow water table, or the limits of existing infrastructure, have made the use of conventional flush and septic systems impracticable. Your Committee notes that this measure aligns with state law, which already requires the counties to approve the installation and use of composting toilets in areas inaccessible to municipal wastewater systems.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 37 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 1545 Agriculture and Environment on S.C.R. No. 194

The purpose and intent of this measure is to request that the State and City and County of Honolulu clean and maintain the section of North Road between Hanakahi Street and Iroquois Road in Ewa Beach, Oahu.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that North Road is one of the primary thoroughfares in Ewa Beach and is used daily by many of the residents of Ewa Beach. Your Committee further finds that North Road has been burdened by years of illegal dumping activities and a lack of regular maintenance and repairs, especially in the section of North Road between Hanakahi Street and Iroquois Road. This measure therefore prompts the State and City and County of Honolulu to clean and maintain this section of road in order to avoid further environmental and health risks and damage.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 194 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 1546 Agriculture and Environment on S.R. No. 157

The purpose and intent of this measure is to request that the State and City and County of Honolulu clean and maintain the section of North Road between Hanakahi Street and Iroquois Road in Ewa Beach, Oahu.

Your Committee did not receive any testimony on this measure.

Your Committee finds that North Road is one of the primary thoroughfares in Ewa Beach and is used daily by many of the residents of Ewa Beach. Your Committee further finds that North Road has been burdened by years of illegal dumping activities and a lack of regular maintenance and repairs, especially in the section of North Road between Hanakahi Street and Iroquois Road. This measure therefore prompts the State and City and County of Honolulu to clean and maintain this section of road in order to avoid further environmental and health risks and damage.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 157 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

# SCRep. 1547 (Joint) Higher Education and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 123

The purpose and intent of this measure is to urge the University of Hawaii, in conjunction with the Department of Public Safety, to strengthen and enhance the school-to-career pipeline for positions in public safety.

Your Committees received testimony in support of this measure from the Department of Public Safety and one individual. Your Committees received comments on this measure from the University of Hawai'i System.

Your Committees find that there are a significant number of vacant positions across the various state departments, with some departments employing less than seventy-five percent of their allocated positions. The Department of Public Safety has one of the highest total number of unfilled positions, the majority of which pay a living wage and do not require a four-year degree. Course offerings that introduce students to these career fields may help raise awareness of possible careers in public safety and reduce state job vacancies while increasing employee retention rates.

Your Committees have amended this measure by:

Inserting language to include the Department of Land and Natural Resources Division of Conservation and Resources
 Enforcement in working in conjunction with the University of Hawaii to strengthen and enhance the school-to-career pipeline
 for positions in public safety;

- (2) Amending the title accordingly; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 123, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 123, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1548 (Joint) Higher Education and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 94

The purpose and intent of this measure is to urge the University of Hawaii, in conjunction with the Department of Public Safety, to strengthen and enhance the school-to-career pipeline for positions in public safety.

Your Committees received testimony in support of this measure from the Department of Public Safety. Your Committees received comments on this measure from the University of Hawai'i System.

Your Committees find that there are a significant number of vacant positions across the various state departments, with some departments employing less than seventy-five percent of their allocated positions. The Department of Public Safety has one of the highest total number of unfilled positions, the majority of which pay a living wage and do not require a four-year degree. Course offerings that introduce students to these career fields may help raise awareness of possible careers in public safety and reduce state job vacancies while increasing employee retention rates.

Your Committees have amended this measure by:

- Inserting language to include the Department of Land and Natural Resources Division of Conservation and Resources
   Enforcement in working in conjunction with the University of Hawaii to strengthen and enhance the school-to-career pipeline
   for positions in public safety;
- (2) Amending the title accordingly; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 94, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 94, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1549 Judiciary on S.C.R. No. 23

The purpose and intent of this measure is to:

- Request the Legislative Reference Bureau to establish a task force to review Hawaii's current voter education system and propose improvements; and
- (2) Request that the task force submit preliminary and final reports to the Legislature.

Your Committee received testimony in support of this measure from the Office of Elections, League of Women Voters of Hawaii, Common Cause Hawaii, and two individuals. Your Committee received comments on this measure from the Legislative Reference Bureau and Disability and Communication Access Board.

Your Committee finds that the lack of balanced, politically nonpartisan, and readily available voter education is a significant factor that contributes to poor citizen engagement. Your Committee further finds that an appropriate voter education program should also accommodate bilingual voters, disabled voters, and voters who are voting for the first time. This measure requests that the Legislative Reference Bureau establish a task force to review voter education in the State and propose improvements.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 23 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1550 Judiciary on S.R. No. 16

The purpose and intent of this measure is to:

- (1) Request the Legislative Reference Bureau to establish a task force to review Hawaii's current voter education system and propose improvements; and
- (2) Request that the task force submit preliminary and final reports to the Legislature.

Your Committee received testimony in support of this measure from the Office of Elections, League of Women Voters of Hawaii, and Common Cause Hawaii. Your Committee received comments on this measure from the Disability and Communication Access Board.

Your Committee finds that the lack of balanced, politically nonpartisan, and readily available voter education is a significant factor that contributes to poor citizen engagement. Your Committee further finds that an appropriate voter education program should also accommodate bilingual voters, disabled voters, and voters who are voting for the first time. This measure requests that the Legislative Reference Bureau establish a task force to review voter education in the State and propose improvements.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 16 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1551 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 72

The purpose and intent of this measure is to urge the several counties to submit a report to the Legislature regarding how many vehicle weight tax exemptions are claimed by members of the National Guard, military reserves, and other armed services.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Act 141, Session Laws of Hawaii 2008, exempts members of the National Guard, military reserves, and other armed services, who are in good standing and assigned to a unit in the State, from the county vehicle weight tax for one noncommercial motor vehicle. Your Committee further finds that these members receive an exemption from paying the vehicle weight tax regardless of their legal residency and desires additional information regarding the legal residence and voter registration status of those claiming the exemption. Your Committee therefore finds that this measure urges the several counties to submit a report to the Legislature regarding how many exemptions are claimed for vehicle weight tax exemptions by members of the National Guard, military reserves, and other armed services, including the United States Coast Guard, and how many also claim Hawaii as their primary residence and are registered to vote in Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 72, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 72, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1552 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 50

The purpose and intent of this measure is to urge the several counties to submit a report to the Legislature regarding how many vehicle weight tax exemptions are claimed by members of the National Guard, military reserves, and other armed services.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Act 141, Session Laws of Hawaii 2008, exempts members of the National Guard, military reserves, and other armed services, who are in good standing and assigned to a unit in the State, from the county vehicle weight tax for one noncommercial motor vehicle. Your Committee further finds that these members receive an exemption from paying the vehicle weight tax regardless of their legal residency and desires additional information regarding the legal residence and voter registration status of those claiming the exemption. Your Committee therefore finds that this measure urges the several counties to submit a report to the Legislature regarding how many exemptions are claimed for vehicle weight tax exemptions by members of the National Guard, military reserves, and other armed services, including the United States Coast Guard, and how many also claim Hawaii as their primary residence and are registered to vote in Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 50, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 50, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

# SCRep. 1553 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 12

The purpose and intent of this measure is to request that members of the United States Congress amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Hawaii Women Lawyers, Hawaii Women's Coalition, and Pride at Work Hawaii.

Your Committee finds that many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings. Your Committee further finds that the United States Senate and House of Representatives are considering legislation to address the issue of forced arbitration and secrecy in sexual harassment and sexual assault cases and thereby enable victims to seek redress in the courts. Your Committee

therefore finds that this measure requests that the members of the United States Congress amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 12 and recommends that it be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1554 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 11

The purpose and intent of this measure is to request that members of the United States Congress amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

Your Committee received testimony in support of this measure from Hawaii Women Lawyers, Pride at Work Hawaii, and one individual.

Your Committee finds that many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings. Your Committee further finds that the United States Senate and House of Representatives are considering legislation to address the issue of forced arbitration and secrecy in sexual harassment and sexual assault cases and thereby enable victims to seek redress in the courts. Your Committee therefore finds that this measure requests that the members of the United States Congress amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 11 and recommends that it be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1555 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 61

The purpose and intent of this measure is to request that the Hawaii Community Development Authority study properties in and around the Kakaako community development district and recommend appropriate sites for a fire station that meets the specifications recommended by the Honolulu Fire Department.

Your Committee received testimony in support of this measure from the Honolulu Fire Department. Your Committee received comments on this measure from the Hawaii Community Development Authority.

Your Committee finds that due to the rapidly increasing residential and transient populations, numerous completed and planned residential high-rises, planned public schools, and expanding commercial development in Kakaako, in 2018, the Honolulu Fire Department recommended that a new fire station be built to provide additional first responder services to the Kakaako community and lessen the burden on other fire stations. Your Committee therefore finds that this measure requests that the Hawaii Community Development Authority study properties in and around the Kakaako community development district and recommend appropriate sites for a fire station that meets the specifications recommended by the Honolulu Fire Department.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 61 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1556 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 25

The purpose and intent of this measure is to urge the county police departments to adopt new fireworks detection technologies to enforce fireworks laws.

Your Committee did not receive any testimony on this measure.

Your Committee finds that certain new technologies allow law enforcement officers to instantly detect and locate gunshots could be adapted to detect the explosion of a firework. Your Committee further finds that these technologies will better equip county police to enforce fireworks laws by informing police, almost instantaneously, where illicit fireworks are being set off. Your Committee therefore finds that this measure urges the county police departments to adopt products that can instantly detect and locate fireworks to assist in the enforcement of fireworks laws.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 25 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1557 Hawaiian Affairs on S.C.R. No. 188

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to complete the 2017 independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries.

Your Committee received testimony in support of this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds independent audits are important tools to assess an organization's financial and management performance and to help measure an agency's mission implementation, program management, and expenditures of public funds. In 2017, the Office of Hawaiian Affairs Board of Trustees authorized an independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries to address concerns raised by the Board. In the Office of the Auditor's Report No. 18-03, Audit of the Office of Hawaiian Affairs, the Auditor raised concerns similar to those of the Board regarding spending irregularities pertaining to alternate funding processes for limited liability companies created by the Office of Hawaiian Affairs. Your Committee acknowledges that the Office of Hawaiian Affairs has taken proactive steps to improve its internal processes. To continue that forward momentum, your Committee urges the Office of Hawaiian Affairs to complete the 2017 independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 188 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Keohokalole).

## SCRep. 1558 Hawaiian Affairs on S.R. No. 151

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to complete the 2017 independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries.

Your Committee received testimony in support of this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds independent audits are important tools to assess an organization's financial and management performance and to help measure an agency's mission implementation, program management, and expenditures of public funds. In 2017, the Office of Hawaiian Affairs Board of Trustees authorized an independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries to address concerns raised by the Board. In the Office of the Auditor's Report No. 18-03, Audit of the Office of Hawaiian Affairs, the Auditor raised concerns similar to those of the Board regarding spending irregularities pertaining to alternate funding processes for limited liability companies created by the Office of Hawaiian Affairs. Your Committee acknowledges that the Office of Hawaiian Affairs has taken proactive steps to improve its internal processes. To continue that forward momentum, your Committee urges the Office of Hawaiian Affairs to complete the 2017 independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 151 and recommends that it be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Keohokalole).

## SCRep. 1559 Hawaiian Affairs on S.C.R. No. 180

The purpose and intent of this measure is to support the development of a Hawaiian Language Plan, including goals, benchmarks, strategies, and outcomes, to build upon accomplishments and accelerate the normalization of 'ōlelo Hawai'i.

Your Committee received testimony in support of this measure from the Department of Education; University of Hawai'i System; Office of Hawaiian Affairs; Alaska Native Languages and Studies at the University of Alaska Southeast; Governing Board of Ke Kula 'O Nāwahīokalani'ōpu'u Iki Laboratory Public Charter School; Maunakea Observatories; Kanaeokana Kula Hawai'i Network; Kamehameha Schools; Council for Native Hawaiian Advancement; 'Aha Pūnana Leo; Pūnana Leo o Hilo; Pūnana Leo o Waimea; Pūnana Leo o Kona; Pūnana Leo o Maui; Pūnana Leo o Lahaina; Pūnana Leo o Hāna; Pūnana Leo o Moloka'i; Pūnana Leo o Mānoa; Pūnana Leo o Honolulu; Pūnana Leo o Wai'anae; Pūnana Leo o Ko'olau Poko; Pūnana Leo o Kaua'i; Mokuola Honua Center for Indigenous Language Excellence; Makauila, Inc.; 'Ōiwi Television Network; Prince Kūhiō Hawaiian Civic Club; Association of Hawaiian Civic Clubs; a petition signed by over two hundred ninety individuals; and four individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds 'ōlelo Hawai'i is an indigenous language of Hawai'i recognized by the Constitution of the State of Hawai'i as one of the State's official languages. There is a need to recognize the native Hawaiian speakers who preserved the language in their families and whose families never lost the language, despite a general loss of 'ōlelo Hawai'i at the turn of the 20th century. Your Committee further finds that there are many groups who deserve recognition and acknowledgment for the hard work they have done to reverse the language loss that occurred in the early 1900s and to preserve, revitalize, and promote this indigenous language through cooperative efforts to raise speakers of 'ōlelo Hawai'i, educate learners in immersive settings, normalize 'ōlelo Hawai'i in its homeland, and drive and inspire change to ensure a living language in Hawai'i. Your Committee also finds that, although much progress has been made to preserve 'ōlelo Hawai'i, the development of a Hawaiian Language Plan is necessary to continue advancing the use of 'ōlelo Hawai'i beyond the education sector and into government services and transactions, private sector activity, and tourism.

Your Committee notes that concerns were raised regarding Aha Punana Leo's role as leader of the coalition to develop the Hawaiian Language Plan and that there may be interest by both the Lieutenant Governor's office and Governor's office to take a leadership role in this coalition. Your Committee finds that choosing a neutral, universally acceptable leader of this coalition merits further consideration and requests that your Committee on Ways and Means further examine the viability of either the Lieutenant Governor's or Governor's office taking leadership of this coalition.

Your Committee has amended this measure by:

- (1) Acknowledging the accomplishments of the Niihau Language Commission and native Hawaiian speakers who preserved the indigenous Hawaiian language in the family setting;
- (2) Clarifying that native speakers are first language speakers whose families never lost the Hawaiian language and acknowledging their role in 'ōlelo Hawai'i preservation;
- (3) Amending the suggested membership of the coalition to include native speakers;
- (4) Clarifying that the coalition have equitable representation of the different 'olelo Hawai'i stakeholders; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 180, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 180, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Keohokalole).

## SCRep. 1560 Hawaiian Affairs on S.R. No. 146

The purpose and intent of this measure is to support the development of a Hawaiian Language Plan, including goals, benchmarks, strategies, and outcomes, to build upon accomplishments and accelerate the normalization of 'ōlelo Hawai'i.

Your Committee received testimony in support of this measure from the University of Hawai'i System; Office of Hawaiian Affairs; Alaska Native Languages and Studies at the University of Alaska Southeast; Maunakea Observatories; Kanaeokana Kula Hawaii Network; Ho'omanapono Political Action Committee; Kamehameha Schools; Council for Native Hawaiian Advancement; 'Aha Pūnana Leo; Pūnana Leo o Hilo; Pūnana Leo o Waiimea; Pūnana Leo o Kona; Pūnana Leo o Maui; Pūnana Leo o Lahaina; Pūnana Leo o Hāna; Pūnana Leo o Moloka'i; Pūnana Leo o Mānoa; Pūnana Leo o Honolulu; Pūnana Leo o Wai'anae; Pūnana Leo o Ko'olau Poko; Pūnana Leo o Kaua'i; Mokuola Honua Center for Indigenous Language Excellence; Makauila, Inc.; 'Ōiwi Television Network; Prince Kūhiō Hawaiian Civic Club; Association of Hawaiian Civic Clubs; a petition signed by over two hundred ninety individuals; and ten individuals.

Your Committee finds 'ōlelo Hawai'i is an indigenous language of Hawai'i recognized by the Constitution of the State of Hawai'i as one of the State's official languages. There is a need to recognize the native Hawaiian speakers who preserved the language in their families and whose families never lost the language, despite a general loss of 'ōlelo Hawai'i at the turn of the 20th century. Your Committee further finds that there are many groups who deserve recognition and acknowledgment for the hard work they have done to reverse the language loss that occurred in the early 1900s and to preserve, revitalize, and promote this indigenous language through cooperative efforts to raise speakers of 'ōlelo Hawai'i, educate learners in immersive settings, normalize 'ōlelo Hawai'i in its homeland, and drive and inspire change to ensure a living language in Hawai'i. Your Committee also finds that, although much progress has been made to preserve 'ōlelo Hawai'i, the development of a Hawaiian Language Plan is necessary to continue advancing the use of 'ōlelo Hawai'i beyond the education sector and into government services and transactions, private sector activity, and tourism.

Your Committee notes that concerns were raised regarding Aha Punana Leo's role as leader of the coalition to develop the Hawaiian Language Plan and that there may be interest by both the Lieutenant Governor's office and Governor's office to take a leadership role in this coalition. Your Committee finds that choosing a neutral, universally acceptable leader of this coalition merits further consideration and requests that your Committee on Ways and Means further examine the viability of either the Lieutenant Governor's or Governor's office taking leadership of this coalition.

Your Committee has amended this measure by:

- (1) Acknowledging the accomplishments of the Niihau Language Commission and native Hawaiian speakers who preserved the indigenous Hawaiian language in the family setting;
- (2) Clarifying that native speakers are first language speakers whose families never lost the Hawaiian language and acknowledging their role in 'ōlelo Hawai'i preservation;
- (3) Amending the suggested membership of the coalition to include native speakers;
- (4) Clarifying that the coalition have equitable representation of the different 'olelo Hawai'i stakeholders; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 146, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 146, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Keohokalole).

# SCRep. 1561 Hawaiian Affairs on S.C.R. No. 177

The purpose and intent of this measure is to request the probate court to increase transparency regarding the Kamehameha Schools' trustee selection process.

Your Committee received testimony in support of this measure from the Association of Hawaiian Civic Clubs and three individuals. Your Committee received comments on this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawai'i and one individual.

Your Committee finds Kamehameha Schools is governed by a Board of Trustees who set policies to provide strategic direction and fulfill the schools' vision, mission, and values. The probate court is responsible for the trustee selection process by choosing the members of the Trustee Screening Committee. However, there has been a lack of transparency on the part of the probate court on the qualifications of and the method by which the members of the Trustee Screening Committee are chosen. Your Committee finds this measure seeks to address community concerns about transparency by requesting the probate court to be transparent on how the Trustee Screening Committee members are chosen and to recognize and involve Kamehameha Schools stakeholders in the process.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 177 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1562 Hawaiian Affairs on S.R. No. 144

The purpose and intent of this measure is to request the probate court to increase transparency regarding the Kamehameha Schools' trustee selection process.

Your Committee received testimony in support of this measure from the Association of Hawaiian Civic Clubs and four individuals. Your Committee received comments on this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaii.

Your Committee finds Kamehameha Schools is governed by a Board of Trustees who set policies to provide strategic direction and fulfill the schools' vision, mission, and values. The probate court is responsible for the trustee selection process by choosing the members of the Trustee Screening Committee. However, there has been a lack of transparency on the part of the probate court on the qualifications of and the method by which the members of the Trustee Screening Committee are chosen. Your Committee finds this measure seeks to address community concerns about transparency by requesting the probate court to be transparent on how the Trustee Screening Committee members are chosen and to recognize and involve Kamehameha Schools stakeholders in the process.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 144 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

## SCRep. 1563 Hawaiian Affairs on S.C.R. No. 70

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to conduct an independent fiscal audit of all limited liability companies created or controlled by the Office.

Your Committee received testimony in support of this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that independent audits are necessary to assess government performance and to assist agencies reduce waste and inefficiency in their policy implementation, program management, and expenditures of public funds. The Office of Hawaiian Affairs' ongoing fiscal health is vital to its mission of improving the conditions and well-being of present and future Native Hawaiians and Hawaiians. The Office of the Auditor's 2018 Audit of the Office of Hawaiian Affairs raised concerns regarding spending irregularities and possible breaches of the Office's fiduciary duties, including in regards to the Office's limited liability companies (LLCs).

Your Committee notes that the Office of Hawaiian Affairs has completed and included with its testimony a copy of its June 30, 2017, financial statements and independent auditor's report. Your Committee recognizes the initiative taken by the Office of Hawaiian Affairs and recommends moving this measure along the legislative process for further consideration of any related issues.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 70 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1564 Hawaiian Affairs on S.R. No. 48

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to conduct an independent fiscal audit of all limited liability companies created or controlled by the Office.

Your Committee received testimony in support of this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that independent audits are necessary to assess government performance and to assist agencies reduce waste and inefficiency in their policy implementation, program management, and expenditures of public funds. The Office of Hawaiian Affairs' ongoing fiscal health is vital to its mission of improving the conditions and well-being of present and future Native Hawaiians and Hawaiians. The Office of the Auditor's 2018 Audit of the Office of Hawaiian Affairs raised concerns regarding spending

irregularities and possible breaches of the Office's fiduciary duties, including in regards to the Office's limited liability companies (LLCs).

Your Committee notes that the Office of Hawaiian Affairs has completed and included with its testimony a copy of its June 30, 2017, financial statements and independent auditor's report. Your Committee recognizes the initiative taken by the Office of Hawaiian Affairs and recommends moving this measure along the legislative process for further consideration of any related issues.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 48 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

## SCRep. 1565 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 86

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism conduct a study on potential industries, other than tourism, to promote economic development in the County of Hawaii.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and one individual. Your Committees received comments on this measure from the Hawaii Technology Development Corporation.

Your Committees find that Hawaii imports over ninety percent of the products that the State consumes. Supporting local manufacturers can help supply more of the products that residents of Hawaii consume and enhance the State's economy through job generation. Your Committees also find that the County of Hawaii is the largest county in the State by land area and may be a good location to establish manufacturing facilities. The establishment of a strong manufacturing industry based in the County of Hawaii would allow the county and State to diversify their sources of revenue generation, rather than continuing to rely primarily on tourism. Your Committees further find that although manufacturing appears to be a promising industry, more information is needed to confirm this and determine whether any other revenue-producing industries are viable options for the County of Hawaii.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 86 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 1566 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 63

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism conduct a study on potential industries, other than tourism, to promote economic development in the County of Hawaii.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism. Your Committees received comments on this measure from the Hawaii Technology Development Corporation.

Your Committees find that Hawaii imports over ninety percent of the products that the State consumes. Supporting local manufacturers can help supply more of the products that residents of Hawaii consume and enhance the State's economy through job generation. Your Committees also find that the County of Hawaii is the largest county in the State by land area and may be a good location to establish manufacturing facilities. The establishment of a strong manufacturing industry based in the County of Hawaii would allow the county and State to diversify their sources of revenue generation, rather than continuing to rely primarily on tourism. Your Committees further find that although manufacturing appears to be a promising industry, more information is needed to confirm this and determine whether any other revenue-producing industries are viable options for the County of Hawaii.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 63 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

## SCRep. 1567 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 95

The purpose and intent of this measure is to urge the Department of Taxation to conduct a study to determine the amount of transient accommodations tax revenues that would be allocated to each county if the allocation were recalculated based upon the population growth from 2010 to 2017.

Your Committees received comments on this measure from the Department of Taxation.

Your Committees find that under existing law, \$103 million of transient accommodations tax revenues are distributed to the counties as follows: 14.5 percent to Kauai County, 18.6 percent to Hawaii County, 44.1 percent to the City and County of Honolulu, and 22.8 percent to Maui County. Your Committees also find that the counties use transient accommodations tax revenue for general government purposes, which includes services such as police and fire protection, park and beach management, and lifeguard services,

which benefit visitors and residents. Your Committees further find that according to United States Census data, from 2010 to 2017, the population of the neighbor island counties (Hawaii 8.3 percent, Kauai 7.6 percent, and Maui 7.4 percent) grew more rapidly than that of the City and County of Honolulu (3.7 percent). This measure urges the Department of Taxation to conduct a study to determine the amount of transient accommodations tax revenues that would be allocated to each county if the allocation were to be recalculated based on population growth during that time period.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 95 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 1568 (Joint) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 72

The purpose and intent of this measure is to urge the Department of Taxation to conduct a study to determine the amount of transient accommodations tax revenues that would be allocated to each county if the allocation were recalculated based upon the population growth from 2010 to 2017.

Your Committees did not receive any testimony on this measure.

Your Committees find that under existing law, \$103 million of transient accommodations tax revenues are distributed to the counties as follows: 14.5 percent to Kauai County, 18.6 percent to Hawaii County, 44.1 percent to the City and County of Honolulu, and 22.8 percent to Maui County. Your Committees also find that the counties use transient accommodations tax revenue for general government purposes, which includes services such as police and fire protection, park and beach management, and lifeguard services, which benefit visitors and residents. Your Committees further find that according to United States Census data, from 2010 to 2017, the population of the neighbor island counties (Hawaii 8.3 percent, Kauai 7.6 percent, and Maui 7.4 percent) grew more rapidly than that of the City and County of Honolulu (3.7 percent). This measure urges the Department of Taxation to conduct a study to determine the amount of transient accommodations tax revenues that would be allocated to each county if the allocation were to be recalculated based on population growth during that time period.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 72 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 1569 Energy, Economic Development, and Tourism on S.C.R. No. 108

The purpose and intent of this measure is to:

- (1) Urge the Parks and Recreation Department of the City and County of Honolulu to enter into a public-private partnership with a non-profit organization to develop a proposal for a racetrack facility on certain lands in Kalaeloa; and
- (2) Request the Department of Public Safety and Department of Business, Economic Development, and Tourism to facilitate and approve the development of the racetrack or raceway park at Kalaeloa.

Your Committee received testimony in support of this measure from the Sports Car Club of America Hawaii Region, University of Hawaii RWR Rainbow Warriors SAE Formula 1 Car Race Team, Naval Air Station Barbers Point Museum, Nikola's Auto Center LLC, Shade Tree Motorsports, The First L.A.P./Peacemakers, British Car Club of Hawaii, Sahuaro Miata Club, Wicked Stangs of Oahu, Ron's Performance Center, RevHi, and forty-eight individuals. Your Committee received testimony in opposition to this measure from the Kanehili Cultural Hui, Military Order of the Purple Heart Department of Hawaii, Veterans of Foreign Wars of the United States Department of Hawaii, and four individuals.

Your Committee finds that auto racing has a rich history in the State, with drag racing on the island of Oahu dating back to the early 1950s. Your Committee also finds that Hawaii Raceway Park provided motor sports enthusiasts a legal venue to race from 1962 until its closure in 2006. For the past forty years, county parks programs from the County of Hawaii, County of Maui, and County of Kauai have provided the public state and county supported raceway park facilities at closed air field land granted by the military to the respective county parks departments for public recreational use by motorsports fans as raceway parks.

Your Committee further finds that two hundred twenty acres of closed military air field land in Kalaeloa is available for use as a raceway park or race track and the Council of the City and County of Honolulu adopted Council Resolution 18-265 to urge the City Administration to expedite the transfer of deed for the Kalaeloa lands to the City for use in perpetuity as a public park or recreational area.

This measure urges the responsible parties to complete the tasks necessary for the design, financing, construction, and operation of a racetrack facility at Kalaeloa.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 108 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1570 (Joint) Energy, Economic Development, and Tourism and Technology on S.C.R. No. 66

The purpose and intent of this measure is to request that the Hawaii Tourism Authority convene a global artificial intelligence summit in 2020.

Your Committees received comments on this measure from the Hawai'i Tourism Authority.

Your Committees find that the United States and other nations should examine the best ways to integrate and approach artificial intelligence to leverage its advantages and prepare against potential harm. Your Committees also find that due to its central Pacific location and close proximity to Asia, Hawaii is an ideal place to host a global summit on artificial intelligence. This measure requests that the Hawaii Tourism Authority and Hawaii Technology Development Corporation work together to convene a global artificial intelligence summit in 2020 to discuss innovations in artificial intelligence technologies and develop practical applications for those technologies.

Your Committees have amended this measure by:

- (1) Specifying that the Hawaii Tourism Authority is to collaborate with the Hawaii Technology Development Corporation to convene a global artificial intelligence summit in 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 66, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 66, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

### SCRep. 1571 (Joint) Energy, Economic Development, and Tourism and Technology on S.R. No. 44

The purpose and intent of this measure is to request that the Hawaii Tourism Authority convene a global artificial intelligence summit in 2020.

Your Committees received comments on this measure from the Hawai'i Tourism Authority.

Your Committees find that the United States and other nations should examine the best ways to integrate and approach artificial intelligence to leverage its advantages and prepare against potential harm. Your Committees also find that due to its central Pacific location and close proximity to Asia, Hawaii is an ideal place to host a global summit on artificial intelligence. This measure requests that the Hawaii Tourism Authority and Hawaii Technology Development Corporation work together to convene a global artificial intelligence summit in 2020 to discuss innovations in artificial intelligence technologies and develop practical applications for those technologies.

Your Committees have amended this measure by:

- (1) Specifying that the Hawaii Tourism Authority is to collaborate with the Hawaii Technology Development Corporation to convene a global artificial intelligence summit in 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Technology that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 44, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 44, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

# SCRep. 1572 (Joint/Majority) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 144

The purpose and intent of this measure is to request that the Legislature recalculate and establish the transient accommodations tax allocation of each county based upon the population growth from 2010 to 2017 in each county.

Your Committees did not receive any testimony on this measure.

Your Committees find that pursuant to section 237D-6.5(b)(4), Hawaii Revised Statutes, \$103 million of transient accommodations tax revenues are distributed to the counties as follows: 14.5 percent to Kauai County, 18.6 percent to Hawaii County, 44.1 percent to the City and County of Honolulu, and 22.8 percent to Maui County. Your Committees also find that according to United States Census data, from 2010 to 2017, the population of the neighbor island counties (Hawaii 8.3 percent, Kauai 7.6 percent, and Maui 7.4 percent) grew more rapidly than that of the City and County of Honolulu (3.7 percent). In order to provide a fair, consistent, and reliable allocation of transient accommodations tax revenues to the counties, your Committees find that the allocation to the counties should be recalculated based upon the population growth of each respective county from 2010 to 2017.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 144 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Fevella). Noes, 1 (Keohokalole). Excused, 1 (Inouve).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Baker, Harimoto).

# SCRep. 1573 (Joint/Majority) Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 111

The purpose and intent of this measure is to request that the Legislature recalculate and establish the transient accommodations tax allocation of each county based upon the population growth from 2010 to 2017 in each county.

Your Committees did not receive any testimony on this measure.

Your Committees find that pursuant to section 237D-6.5(b)(4), Hawaii Revised Statutes, \$103 million of transient accommodations tax revenues are distributed to the counties as follows: 14.5 percent to Kauai County, 18.6 percent to Hawaii County, 44.1 percent to the City and County of Honolulu, and 22.8 percent to Maui County. Your Committees also find that according to United States Census data, from 2010 to 2017, the population of the neighbor island counties (Hawaii 8.3 percent, Kauai 7.6 percent, and Maui 7.4 percent) grew more rapidly than that of the City and County of Honolulu (3.7 percent). In order to provide a fair, consistent, and reliable allocation of transient accommodations tax revenues to the counties, your Committees find that the allocation to the counties should be recalculated based upon the population growth of each respective county from 2010 to 2017.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 111 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Fevella). Noes, 1 (Keohokalole). Excused, 1 (Inouye).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1574 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.C.R. No. 192

The purpose and intent of this measure is to request that the counties take necessary measures to remove abandoned vehicles from public roads within ten days of abandonment.

Your Committees received comments on this measure from the County of Hawai'i Office of the Mayor.

Your Committees find that pursuant to section 290-1, Hawaii Revised Statutes, the counties are required to take vehicles that have been abandoned into custody within ten business days of abandonment. Your Committees further find that many vehicles are abandoned on public roads and remain there for extended periods of time. This measure therefore requests that the several counties remove abandoned vehicles from public roads within ten days of abandonment.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 192 and recommend that it be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 1575 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.R. No. 155

The purpose and intent of this measure is to request that the counties take necessary measures to remove abandoned vehicles from public roads within ten days of abandonment.

Your Committees received comments on this measure from the County of Hawai'i Office of the Mayor.

Your Committees find that pursuant to section 290-1, Hawaii Revised Statutes, the counties are required to take vehicles that have been abandoned into custody within ten business days of abandonment. Your Committees further find that many vehicles are abandoned on public roads and remain there for extended periods of time. This measure therefore requests that the several counties remove abandoned vehicles from public roads within ten days of abandonment.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 155 and recommend that it be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 1576 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.C.R. No. 27

The purpose and intent of this measure is to request that the United States government lease federally owned vacant land to the State to be used as tow yards to store abandoned vehicles.

Your Committees received testimony in support of this measure from the Department of Transportation.

Your Committees find that vehicles abandoned on public roads are a nuisance and have the potential for environmental disaster and adverse impacts on human health and safety. Your Committees further find that the United States government has ownership of vacant land located in various parts of the State that may have the appropriate infrastructure necessary to store abandoned vehicles. This measure therefore requests that the United States government lease federally owned vacant land to the State to be used as tow yards to store abandoned vehicles.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 27 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 1577 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.R. No. 19

The purpose and intent of this measure is to request that the United States government lease federally owned vacant land to the State to be used as tow yards to store abandoned vehicles.

Your Committees received testimony in support of this measure from the Department of Transportation.

Your Committees find that vehicles abandoned on public roads are a nuisance and have the potential for environmental disaster and adverse impacts on human health and safety. Your Committees further find that the United States government has ownership of vacant land located in various parts of the State that may have the appropriate infrastructure necessary to store abandoned vehicles. This measure therefore requests that the United States government lease federally owned vacant land to the State to be used as tow yards to store abandoned vehicles.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 19 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1578 (Joint) Energy, Economic Development, and Tourism and Transportation on S.C.R. No. 92

The purpose and intent of this measure is to encourage the Hawaii Community Development Authority to prioritize investment in public facilities within transient-oriented development zones in any of its statewide planning functions or involvement therein.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Hawaii Community Development Authority; Chamber of Commerce Hawaii; Building Industry Association of Hawaii; and Hunt Development Group, LLC.

Your Committees find that transit-oriented development promotes development patterns that support quality of life, preserve the natural environment, provide a range of housing choices for residents, and encourage a healthy lifestyle. Your Committees also find that the lack of coordination and financing of infrastructure improvements, including public facilities, in planned growth areas, including transit-oriented development zones, is a major impediment to realizing the potential of transit-oriented development in meeting housing demands and creating vibrant and sustainable mixed-use communities. Your Committees further find that the State must take a more proactive role in investing in critical infrastructure necessary to overcome barriers to transit-oriented development. Likewise, this measure encourages the Hawaii Community Development authority to prioritize investment in public facilities within transit-oriented development zones.

Your Committees find that the Kalaeloa community development district has similar infrastructure challenges and would stand to benefit from investments in infrastructure.

Your Committees have amended this measure by:

- (1) Adding findings regarding the critical infrastructure needs of the Kalaeloa community development district;
- (2) Encouraging the Hawaii Community Development Authority to also prioritize investment in public facilities within the Kalaeloa community development district in any of its statewide planning functions or involvement therein; and
- (3) Amending its title accordingly.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 92, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 92, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1579 (Joint) Energy, Economic Development, and Tourism and Transportation on S.R. No. 69

The purpose and intent of this measure is to encourage the Hawaii Community Development Authority to prioritize investment in public facilities within transient-oriented development zones in any of its statewide planning functions or involvement therein.

Your Committees received comments on this measure from the Chamber of Commerce Hawaii; Building Industry Association of Hawaii; and Hunt Development Group, LLC.

Your Committees find that transit-oriented development promotes development patterns that support quality of life, preserve the natural environment, provide a range of housing choices for residents, and encourage a healthy lifestyle. Your Committees also find that the lack of coordination and financing of infrastructure improvements, including public facilities, in planned growth areas, including transit-oriented development zones, is a major impediment to realizing the potential of transit-oriented development in meeting housing demands and creating vibrant and sustainable mixed-use communities. Your Committees further find that the State must take a more proactive role in investing in critical infrastructure necessary to overcome barriers to transit-oriented development. Likewise, this measure encourages the Hawaii Community Development authority to prioritize investment in public facilities within transit-oriented development zones.

Your Committees find that the Kalaeloa community development district has similar infrastructure challenges and would stand to benefit from investments in infrastructure.

Your Committees have amended this measure by:

- (1) Adding findings regarding the critical infrastructure needs of the Kalaeloa community development district;
- (2) Encouraging the Hawaii Community Development Authority to also prioritize investment in public facilities within the Kalaeloa community development district in any of its statewide planning functions or involvement therein; and
- (3) Amending its title accordingly.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 69, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 69, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1580 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.C.R. No. 119

The purpose and intent of this measure is to request the State Energy Office, in collaboration with the Department of Agriculture, to create and implement a strategic plan to increase renewable energy and local food production and create an economic impact report.

Your Committees received testimony in support of this measure from the Hawai'i Public Health Association, Pacific Biodiesel Technologies, Maui Farmers Union United, WAIWAIproduction, Hawaii Farmers Union United, Malama O Puna, A'a Li'i Farm, Lapa'au Farm, and eighteen individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism and Department of Agriculture.

Your Committees find that the State currently imports fossil fuels and is highly dependent on foreign imports. In order to decrease the State's dependency on fossil fuels and foreign imports, Act 97, Session Laws of Hawaii 2015, established the electric renewable portfolio standard of one hundred percent of net electricity sales by 2045, and the Governor has set a goal of doubling local food production by 2020. Your Committees also find that utility-scale solar developments in Hawaii need to increase to reach the one hundred percent renewable portfolio standard but the State has not yet developed a long-term strategic plan to achieve one hundred percent renewable electricity. Renewable energy developments will require thousands of acres of flat land that are close to major transmission lines to keep infrastructure costs low.

Your Committees further find that the Department of Agriculture has not yet developed a strategic plan that incorporates renewable energy development in its plans and policies to increase local food production. Your Committees find that the State must entertain alternatives to its current agricultural operations that increase agricultural production.

This measure requests the State Energy Office and Department of Agriculture to implement a strategic plan to increase renewable energy and local food production and create an economic impact report.

Your Committees have amended this measure by updating the findings to more accurately and completely describe the current situation and needs to increase local agricultural production.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 119, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 119, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

# SCRep. 1581 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.R. No. 89

The purpose and intent of this measure is to request the State Energy Office, in collaboration with the Department of Agriculture, to create and implement a strategic plan to increase renewable energy and local food production and create an economic impact report.

Your Committees received testimony in support of this measure from the Hawai'i Public Health Association, Lapa'au Farm, and four individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committees find that the State currently imports fossil fuels and is highly dependent on foreign imports. In order to decrease the State's dependency on fossil fuels and foreign imports, Act 97, Session Laws of Hawaii 2015, established the electric renewable portfolio standard of one hundred percent of net electricity sales by 2045, and the Governor has set a goal of doubling local food production by 2020. Your Committees also find that utility-scale solar developments in Hawaii need to increase to reach the one hundred percent renewable portfolio standard but the State has not yet developed a long-term strategic plan to achieve one hundred percent renewable electricity. Renewable energy developments will require thousands of acres of flat land that are close to major transmission lines to keep infrastructure costs low.

Your Committees further find that the Department of Agriculture has not yet developed a strategic plan that incorporates renewable energy development in its plans and policies to increase local food production. Your Committees find that the State must entertain alternatives to its current agricultural operations that increase agricultural production.

This measure requests the State Energy Office and Department of Agriculture to implement a strategic plan to increase renewable energy and local food production and create an economic impact report.

Your Committees have amended this measure by updating the findings to more accurately and completely describe the current situation and needs to increase local agricultural production.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 89, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 89, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

## SCRep. 1582 (Joint) Government Operations and Energy, Economic Development, and Tourism on S.C.R. No. 139

The purpose and intent of this measure is to request that the Auditor conduct a sunrise review of the registration and regulation of transient vacation unit owners.

Your Committees received testimony in support of this measure from Hawaii's Thousand Friends, Frazer-Frantz Family Hui, Kohala Coast Resort Association, Hawaii Advocates for Consumer Rights, and nine individuals. Your Committees received comments on this measure from the Office of the Auditor.

Your Committees find that transient vacation units are increasingly located in residential areas, often in violation of zoning laws and in conflict with residential neighbors. Due to the difficulty in identifying the properties being used as transient vacation units, your Committees further find that a centralized and publicly searchable database of transient vacation units, including addresses, unit numbers, and tax map numbers would help identify properly registered transient vacation units. This measure requests the Auditor to conduct a sunrise review of transient vacation unit owners as proposed by S.B. No. 960, Regular Session of 2019.

Your Committees have amended this measure by:

- (1) Updating the findings to note the proliferation of single family dwellings being offered for short-term vacation rentals, that these dwellings are not identified or obligated to meet certain standards and laws, and it is in the best interest of the State for these standards to be applied and met;
- (2) Clarifying that transient vacation rental owners should be evaluated by the Auditor as "professional guest house operators";
- (3) Updating its title accordingly.

As affirmed by the records of votes of the members of your Committees on Government Operations and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 139, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 139, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Taniguchi). Noes, none. Excused, none.

## SCRep. 1583 (Joint) Government Operations and Housing on S.C.R. No. 79

The purpose and intent of this measure is to urge state entities to give priority to applicants who work within twenty-five miles of the housing applied for under affordable, reserved, and workforce housing programs.

Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committees find that the State is in need of affordable housing for its workers and it is beneficial for workers to live in close proximity to their place of work. Your Committees also find that benefits of living near work include reduced risk of traffic accidents due to less time spent in a vehicle; money saved on gas; minimized stress of lengthy commutes; reduced pollution; increased reliability and productivity of workers; improved personal health, especially if the worker walks or bikes; improved life-work balance; improved relationships, as workers spend less time commuting and more time with friends and family; and overall improved quality of life. This measure therefore gives priority to applicants for certain housing programs who live within twenty-five miles of the housing associated with those particular housing programs. However, your Committees note the concerns raised in testimony that adopting a priority or preference for certain applicants could raise certain concerns under the federal Fair Housing Act.

Your Committees have amended this measure by:

- Urging state entities to give consideration, rather than priority, to applicants who work within twenty-five miles of housing applied for under certain housing programs;
- (2) Updating the title to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees encourage the Hawaii Housing Finance and Development Corporation to work with the Department of the Attorney General to determine whether and how to properly give consideration to applicants who live within twenty-five miles of the applied for housing.

As affirmed by the records of votes of the members of your Committees on Government Operations and Housing that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 79, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 79, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella). Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1584 (Joint) Government Operations and Housing on S.R. No. 56

The purpose and intent of this measure is to urge state entities to give priority to applicants who work within twenty-five miles of the housing applied for under affordable, reserved, and workforce housing programs.

Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committees find that the State is in need of affordable housing for its workers and it is beneficial for workers to live in close proximity to their place of work. Your Committees also find that benefits of living near work include reduced risk of traffic accidents due to less time spent in a vehicle; money saved on gas; minimized stress of lengthy commutes; reduced pollution; increased reliability and productivity of workers; improved personal health, especially if the worker walks or bikes; improved life-work balance; improved relationships, as workers spend less time commuting and more time with friends and family; and overall improved quality of life. This measure therefore gives priority to applicants for certain housing programs who live within twenty-five miles of the housing associated with those particular housing programs. However, your Committees note the concerns raised in testimony that adopting a priority or preference for certain applicants could raise certain concerns under the federal Fair Housing Act.

Your Committees have amended this measure by:

- Urging state entities to give consideration, rather than priority, to applicants who work within twenty-five miles of housing applied for under certain housing programs;
- (2) Updating the title to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees encourage the Hawaii Housing Finance and Development Corporation to work with the Department of the Attorney General to determine whether and how to properly give consideration to applicants who live within twenty-five miles of the applied for housing.

As affirmed by the records of votes of the members of your Committees on Government Operations and Housing that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 56, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 56, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella). Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1585 Government Operations on S.C.R. No. 107

The purpose and intent of this measure is to request that the Office of Information Practices explore a trial preliminary inclination process for incoming public appeals.

Your Committee received testimony in support of this measure from the Office of Information Practices, Hawaii Chapter of the Society of Professional Journalists, League of Women Voters, and The Civil Beat Law Center for the Public Interest.

Your Committee finds that when public appeals cannot be resolved without formal enforceable rulings by the Office of Information Practices, the Office normally prepares enforceable rulings on a first-come first-served basis. Your Committee also finds that the preparation of formal enforceable rulings by the Office of Information Practices is time-consuming and expensive. Unless additional resources are provided to the Office of Information Practices or the Office experiments and finds an effective way to modify its procedures, the Office of Information Practices will be unable to quickly resolve those incoming public appeals that require a formal enforceable ruling by the Office of Information Practices.

This measure requests that the Office of Information Practices explore a trial preliminary inclination process for incoming public appeals, wherein the Office will prepare a short preliminary inclination, which will be published online for public access. Your Committee further finds that this measure is intended to encourage the Office of Information Practices to re-examine its internal processes, and if the trial preliminary inclination process yields positive results, expand this process to other appeals, with the hope that the Office will be better able to resolve public complaints in a more expeditious manner.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 107 and recommends that it be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1586 Government Operations on S.R. No. 81

The purpose and intent of this measure is to request that the Office of Information Practices explore a trial preliminary inclination process for incoming public appeals.

Your Committee received testimony in support of this measure from the Office of Information Practices, Hawaii Chapter of the Society of Professional Journalists, League of Women Voters, and The Civil Beat Law Center for the Public Interest.

Your Committee finds that when public appeals cannot be resolved without formal enforceable rulings by the Office of Information Practices, the Office normally prepares enforceable rulings on a first-come first-served basis. Your Committee also finds that the preparation of formal enforceable rulings by the Office of Information Practices is time-consuming and expensive. Unless additional resources are provided to the Office of Information Practices or the Office experiments and finds an effective way to modify its procedures, the Office of Information Practices will be unable to quickly resolve those incoming public appeals that require a formal enforceable ruling by the Office of Information Practices.

This measure requests that the Office of Information Practices explore a trial preliminary inclination process for incoming public appeals, wherein the Office will prepare a short preliminary inclination, which will be published online for public access. Your Committee further finds that this measure is intended to encourage the Office of Information Practices to re-examine its internal processes, and if the trial preliminary inclination process yields positive results, expand this process to other appeals, with the hope that the Office will be better able to resolve public complaints in a more expeditious manner.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 81 and recommends that it be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1587 (Joint) Government Operations and Labor, Culture and the Arts on S.C.R. No. 170

The purpose and intent of this measure is to request the Department of Accounting and General Services to dedicate one private room in the Hawaii State Capitol Building for employees and visitors to breastfeed and express milk.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Breastfeeding Hawaii, Early Childhood Action Strategy, Healthy Mothers Healthy Babies Coalition of Hawaii, American Association of University Women of Hawaii, Hawaii Youth Services Network, and eleven individuals. Your Committees received comments on this measure from the Department of Accounting and General Services.

Your Committees find that numerous health organizations recommend that infants be exclusively breastfed for the first six months of life and continue to be breastfed until twelve months of age or longer. Your Committees also find that federal and Hawaii law require employers to provide reasonable break time and a location, other than a bathroom, for employees to express breast milk.

Your Committees further find that research shows that breast milk and breastfeeding provide advantages with regard to the infant's general health, growth, and development, while significantly decreasing the risk of a large number of acute and chronic diseases. Mothers who breastfeed have a decreased risk of breast, uterine, and ovarian cancer; postpartum depression; anxiety disorder; cardiovascular disease; and osteoporosis later in life. Furthermore, the nutrients exclusive to breast milk are vital to the growth, development, and maintenance of the human brain and cannot be manufactured. Your Committees additionally find that the health benefits of breastfeeding result in lower health care costs for employers, less time off for employees to care for sick children, enhancement of an employer's image, and higher productivity and employee loyalty. Finally, your Committees find that employers, employees, and society benefit from supporting a mother's decision to breastfeed and from reducing the obstacles to initiating and continuing breastfeeding. This measure therefore requests the Department of Accounting and General Services to dedicate a private room in the State Capitol Building for breastfeeding or expressing milk.

Your Committees have amended this measure by:

- (1) Requiring the dedicated room to have an electrical outlet for electronic breast pump usage and refrigerator to store breast milk;
- (2) Requiring a certified copy of this measure to be delivered to Dr. Sylvia Pager's husband, Dr. David Pager; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 170, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 170, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella). Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1588 Commerce, Consumer Protection, and Health on S.C.R. No. 189

The purpose and intent of this measure is to request the Department of Health to conduct a study of the State Comprehensive Emergency Medical Services System to identify issues and problems and propose initiatives to improve the system.

Your Committee received testimony in support of this measure from American Medical Response and one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds the State Comprehensive Emergency Medical Services System ensures the effective and coordinated delivery of health care services under emergency conditions. To achieve this, the State Comprehensive Emergency Medical Services System provides personnel, personnel training, emergency transportation, facilities, coordination with emergency medical and critical care services, mandatory standard medical recordkeeping, consumer information and education, independent review and evaluation, and disaster linkage among other services. Your Committee further finds that, like any large and complex system, it takes constant attention to ensure system cohesiveness, diagnose system weaknesses, and implement improvements. For this reason, the Department of Health is requested to conduct a study on the State Comprehensive Emergency Medical Services System to identify issues and problems and propose initiatives to improve the system.

Your Committee has amended this measure by:

- (1) Updating the findings to acknowledge the upcoming National Highway Traffic Safety Administration review of the state system;
- (2) Requesting the Department of Health to include in its report to the Legislature an update regarding the outcome of the National Highway Traffic Safety statewide review; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 189, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 189, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

### SCRep. 1589 Commerce, Consumer Protection, and Health on S.R. No. 152

The purpose and intent of this measure is to request the Department of Health to conduct a study of the State Comprehensive Emergency Medical Services System to identify issues and problems and propose initiatives to improve the system.

Your Committee did not receive any testimony on this measure.

Your Committee finds the State Comprehensive Emergency Medical Services System ensures the effective and coordinated delivery of health care services under emergency conditions. To achieve this, the State Comprehensive Emergency Medical Services System provides personnel, personnel training, emergency transportation, facilities, coordination with emergency medical and critical care services, mandatory standard medical recordkeeping, consumer information and education, independent review and evaluation, and disaster linkage among other services. Your Committee further finds that, like any large and complex system, it takes constant attention to ensure system cohesiveness, diagnose system weaknesses, and implement improvements. For this reason, the Department of Health is requested to conduct a study on the State Comprehensive Emergency Medical Services System to identify issues and problems and propose initiatives to improve the system.

Your Committee has amended this measure by:

- (1) Updating the findings to acknowledge the upcoming National Highway Traffic Safety Administration review of the state system;
- (2) Requesting the Department of Health to include in its report to the Legislature an update regarding the outcome of the National Highway Traffic Safety statewide review; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 152, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 152, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

# SCRep. 1590 Commerce, Consumer Protection, and Health on S.C.R. No. 91

The purpose and intent of this measure is to recognize the importance of an additional ambulance to serve residents in the Makalei area, Kailua-Kona, Island of Hawaii.

Your Committee received testimony in support of this measure from the Hawai'i County Council.

Your Committee finds the population of the Makalei area of Kailua-Kona, on the Island of Hawaii, has increased significantly over the years. However, primary care services are as far as thirty miles away from the area and can be challenging for the community to access because of distance, transportation issues, and economic challenges. As a result, the Makalei community relies heavily on emergency medical services. Your Committee recognizes that a new advanced life support ambulance to serve the Makalei area of

Kailua-Kona will strengthen the existing emergency services infrastructure, which will improve health outcomes among residents and visitors in Kailua-Kona.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 91 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

## SCRep. 1591 Commerce, Consumer Protection, and Health on S.R. No. 68

The purpose and intent of this measure is to recognize the importance of an additional ambulance to serve residents in the Makalei area, Kailua-Kona, Island of Hawaii.

Your Committee received testimony in support of this measure from the Hawai'i County Council.

Your Committee finds the population of the Makalei area of Kailua-Kona, on the Island of Hawaii, has increased significantly over the years. However, primary care services are as far as thirty miles away from the area and can be challenging for the community to access because of distance, transportation issues, and economic challenges. As a result, the Makalei community relies heavily on emergency medical services. Your Committee recognizes that a new advanced life support ambulance to serve the Makalei area of Kailua-Kona will strengthen the existing emergency services infrastructure, which will improve health outcomes among residents and visitors in Kailua-Kona.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 68 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

# SCRep. 1592 Commerce, Consumer Protection, and Health on S.C.R. No. 84

The purpose and intent of this measure is to urge the Department of Health to expand and improve Hawaii's Healthy Start Program.

Your Committee received testimony in support of this measure from the Hawaii Family Support Institute at the University of Hawaii at Manoa and Child and Family Service. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Health and Parents and Children Together.

Your Committee finds healthy and positive experiences in early childhood promote positive outcomes for children and their parents. Supporting families of newborns promotes positive parent-child relationships, especially in households at risk of child maltreatment and neglect. Home visiting programs provide individually tailored support, resources, and information to expectant parents and families with young children. Your Committee further finds that home visiting services are evidence-based programs that reduce the risk of child abuse by fostering family functioning, enhancing positive parenting skills, and linking parents to community resources such as mental health services, early childhood education, childcare, family literacy, employment, and social services. Your Committee acknowledges that Hawaii's nationally recognized home visiting program reached over 840 households in 2017, despite significant budget cuts in recent years. Your Committee recognizes the significant positive impact of the Department of Health's home visiting program and urges the Department of Health to continue expanding the home visiting program, including reinstating a statewide network of home visiting services.

Your Committee has amended this measure by:

- (1) Replacing references to the Healthy Start program with the home visiting program to accurately reflect the name of the Department of Health's program;
- (2) Amending the title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 84, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 84, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

# SCRep. 1593 Commerce, Consumer Protection, and Health on S.R. No. 61

The purpose and intent of this measure is to urge the Department of Health to expand and improve Hawaii's Healthy Start Program.

Your Committee received testimony in support of this measure from Child and Family Service.

Your Committee finds healthy and positive experiences in early childhood promote positive outcomes for children and their parents. Supporting families of newborns promotes positive parent-child relationships, especially in households at risk of child maltreatment and neglect. Home visiting programs provide individually tailored support, resources, and information to expectant parents and families with young children. Your Committee further finds that home visiting services are evidence-based programs that reduce the risk of child abuse by fostering family functioning, enhancing positive parenting skills, and linking parents to community resources such as mental health services, early childhood education, childcare, family literacy, employment, and social services. Your Committee acknowledges that Hawaii's nationally recognized home visiting program reached over 840 households in 2017, despite significant

budget cuts in recent years. Your Committee recognizes the significant positive impact of the Department of Health's home visiting program and urges the Department of Health to continue expanding the home visiting program, including reinstating a statewide network of home visiting services.

Your Committee has amended this measure by:

- (1) Replacing references to the Healthy Start program with the home visiting program to accurately reflect the name of the Department of Health's program;
- (2) Amending the title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 61, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 61, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

# SCRep. 1594 Transportation on S.C.R. No. 19

The purpose and intent of this measure is to request the Legislative Reference Bureau to conduct a study on the necessity of vehicle safety inspections in the State.

Your Committee received comments on this measure from the Department of Transportation and Legislative Reference Bureau.

Your Committee finds that manufacturing technology and standard safety features of modern vehicles have developed far beyond the safety requirements of safety inspections that are currently being conducted in the State. Annual safety inspections often do not uncover any material defects or safety concerns but drivers are still required to pay for a safety inspection. Your Committee further finds that other states have eliminated or modified their safety inspections to reflect the advancements made in manufacturing technology.

Your Committee notes the testimony from the Legislative Reference Bureau, stating that the Bureau does not have the expertise with respect to automotive mechanics or accident investigation to conduct the requested study and that the Department of Transportation may be a more appropriate agency to assess the feasibility of eliminating or modifying vehicle safety inspections.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Department of Transportation, instead of the Legislative Reference Bureau, to conduct a study on the necessity of vehicle safety inspections in the State and report to the Legislature;
- (2) Amending the title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 19, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 19, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 1595 Transportation on S.R. No. 14

The purpose and intent of this measure is to request the Legislative Reference Bureau to conduct a study on the necessity of vehicle safety inspections in the State.

Your Committee received comments on this measure from the Department of Transportation.

Your Committee finds that manufacturing technology and standard safety features of modern vehicles have developed far beyond the safety requirements of safety inspections that are currently being conducted in the State. Annual safety inspections often do not uncover any material defects or safety concerns but drivers are still required to pay for a safety inspection. Your Committee further finds that other states have eliminated or modified their safety inspections to reflect the advancements made in manufacturing technology.

Your Committee notes the testimony from the Legislative Reference Bureau on Senate Concurrent Resolution No. 19, a substantially similar measure, stating that the Bureau does not have the expertise with respect to automotive mechanics or accident investigation to conduct the requested study and that the Department of Transportation may be a more appropriate agency to assess the feasibility of eliminating or modifying vehicle safety inspections.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Department of Transportation, instead of the Legislative Reference Bureau, to conduct a study on the necessity of vehicle safety inspections in the State and report to the Legislature;
- (2) Amending the title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 14, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 14, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

### SCRep. 1596 Transportation on S.C.R. No. 78

The purpose and intent of this measure is to urge the Department of Transportation to prioritize funding to widen Kuakini Highway between Lako Street and Kamehameha III Road on Hawaii island.

Your Committee received testimony in support of this measure from the Department of Transportation and Office of the Mayor of the County of Hawai'i.

Your Committee finds that the island of Hawaii is experiencing a growth in population and as an effect, an increase in difficulties generated by a significant increase in traffic, particularly between Lako Street and Kamehameha III Road. North Kona's population increased by almost 4,000 people to nearly 42,000 from 2010 to 2016, resulting in significant traffic congestion on Kuakini Highway. Your Committee finds that expanding Kuakini Highway beyond Lako Street to Henry Street will provide additional safety measures and road improvements. These improvements will increase efficiency and will help to ease the amount of traffic congestion in the area.

Your Committee has amended this measure by:

- (1) Expanding the widening project from Henry Street rather than Lako Street and requesting the Department of Transportation to consider a continuous four-lane highway in the area;
- (2) Amending its title in accordance with its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 78, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 78, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1597 Transportation on S.R. No. 55

The purpose and intent of this measure is to urge the Department of Transportation to prioritize funding to widen Kuakini Highway between Lako Street and Kamehameha III Road on Hawaii island.

Your Committee received testimony in support of this measure from the Department of Transportation and Office of the Mayor of the County of Hawai'i.

Your Committee finds that the island of Hawaii is experiencing a growth in population and as an effect, an increase in difficulties generated by a significant increase in traffic, particularly between Lako Street and Kamehameha III Road. North Kona's population increased by almost 4,000 people to nearly 42,000 from 2010 to 2016, resulting in significant traffic congestion on Kuakini Highway. Your Committee finds that expanding Kuakini Highway beyond Lako Street to Henry Street will provide additional safety measures and road improvements. These improvements will increase efficiency and will help to ease the amount of traffic congestion in the area.

Your Committee has amended this measure by:

- (1) Expanding the widening project from Henry Street rather than Lako Street and requesting the Department of Transportation to consider a continuous four-lane highway in the area;
- (2) Amending its title in accordance with its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 55, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 55, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1598 Transportation on S.C.R. No. 21

The purpose and intent of this measure is to request the Department of Transportation to form a task force on North Road management.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that North Road in Ewa Beach is a long, straight thoroughfare that connects the community to its schools, parks, churches, and other areas of Ewa Beach. Your Committee further finds that recently, there have been serious safety and illegal dumping concerns on Ewa Beach's North Road. These concerns are further exacerbated due to multiple entities having jurisdiction on

various portions of the road, one being private and two being public. This measure will address concerns of residents in Ewa Beach by establishing a task force on North Road management issues.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 21, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 21, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (English).

## SCRep. 1599 Water and Land on S.C.R. No. 75

The purpose and intent of this measure is to authorize the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to amend the submerged land lease boundaries and the boundaries of certain state submerged lands, identified as "LOT 12", in Honolulu Harbor, Oahu, to match the dimensions of the new drydock, Hoʻola I Na Moku, and to not extend beyond the fast land boundaries, nor to exceed the original total area of 91,350 square feet, for Pacific Shipyards International.

Your Committee received testimony in support of this measure from the Department of Transportation's Harbors Division, Pacific Shipyards International, and one individual.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that Senate Concurrent Resolution No. 56, S.D. 1, Regular Session of 2014 (S.C.R. 56), authorized the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to issue a lease for a term coextensive with the term of the ground lease for the fast lands adjacent to Pacific Shipyards International covering a portion of state submerged lands fronting the property bound by Piers 24 to 26, identified as "LOT 12". During the interval between the adoption of S.C.R. 56 and the execution of Pacific Shipyards International's lease, one of the drydocks was replaced by a larger drydock, and the fast land area contemplated for Pacific Shipyards International occupancy was reduced such that the submerged land now extends beyond the fast land boundary. Your Committee finds that the amendment to the lease is necessary to reflect the actual boundaries of the occupancy.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 75 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1600 Water and Land on S.R. No. 53

The purpose and intent of this measure is to authorize the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to amend the submerged land lease boundaries and the boundaries of certain state submerged lands, identified as "LOT 12", in Honolulu Harbor, Oahu, to match the dimensions of the new drydock, Hoʻola I Na Moku, and to not extend beyond the fast land boundaries, nor to exceed the original total area of 91,350 square feet, for Pacific Shipyards International.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that Senate Concurrent Resolution No. 56, S.D. 1, Regular Session of 2014 (S.C.R. 56), authorized the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to issue a lease for a term coextensive with the term of the ground lease for the fast lands adjacent to Pacific Shipyards International covering a portion of state submerged lands fronting the property bound by Piers 24 to 26, identified as "LOT 12". During the interval between the adoption of S.C.R. 56 and the execution of Pacific Shipyard International's lease, one of the drydocks was replaced by a larger drydock, and the fast land area contemplated for Pacific Shipyards International occupancy was reduced such that the submerged land now extends beyond the fast land boundary. Your Committee finds that the amendment to the lease is necessary to reflect the actual boundaries of the occupancy.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 53 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1601 Water and Land on S.C.R. No. 164

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to amend a term, non-exclusive easement covering a portion of state submerged lands located seaward of Spreckelsville, Wailuku, Maui, and identified as Tax Map Key: (2) 3-8-002:seaward of 001 for the existing seawall and boulder revetment and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on September 22, 2017, under agenda item D-7, as subsequently authorized by S.C.R. No. 80, S.D. 1, Regular Session of 2018, the Board of Land and Natural Resources approved a grant of a fifty-five-year term, non-exclusive easement to resolve the encroachments of the seawall identified in this measure. At a meeting on December 14, 2018, under agenda item D-12, the Board of Land and Natural Resources amended the September 22, 2017, action to match the area determined by the Department of Accounting and General Services' Survey Division final easement map. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing seawall and boulder revetment, and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 164 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1602 Water and Land on S.C.R. No. 15

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to authorize a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-5-058: seaward of 030, Kaneohe, Koolaupoko, Oahu, for the existing pier and seawall, for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on April 27, 2018, under agenda item D-6, the Board of Land and Natural Resources approved a grant of a fifty-five-year term, non-exclusive easements to resolve the encroachments of the existing pier and seawall area identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easements are necessary for the maintenance and repair of the existing pier and seawall, and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 15 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1603 Water and Land on S.C.R. No. 16

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to authorize a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-5-058: seaward of 121, Kaneohe, Koolaupoko, Oahu, for the existing pier, seawall, and eave, for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on December 9, 2016, under agenda item D-20, and subsequently amended on June 8, 2018, under agenda item D-8, the Board of Land and Natural Resources approved a grant of a fifty-five-year term, non-exclusive easements to resolve the encroachment of the existing pier, seawall, and eave area identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easements are necessary for the maintenance and repair of the existing pier, seawall, and eave, and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 16 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1604 Water and Land on S.C.R. No. 183

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to authorize seven term, non-exclusive easements covering a portion of state submerged lands located at Waiohuli-Keokea (Kihei), Wailuku, Maui, Hawaii, and identified as Tax Map Key: (2) 3-9-11:8 for an existing seawall and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on August 25, 2017, under agenda item D-9, and on October 12, 2018, under agenda item D-5, the Board of Land and Natural Resources approved a grant of seven sixty-five-year term, non-exclusive easements to resolve the encroachments of the existing seawall areas identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easements are necessary for the maintenance and repair of the existing seawall, and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 183 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

### SCRep. 1605 Water and Land on S.C.R. No. 83

The purpose and intent of this measure is to request the Department of Land and Natural Resources to clean up all litter on the parcel of state lands identified as Tax Map Key: v(3) 7-4-008:021 (parcel 21) located at the intersection of Queen Kaahumanu Highway and Palani Road in Kailua-Kona, Hawaii.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committee finds that the vacant parcel 21 at the intersection of Queen Kaahumanu Highway and Palani Road in Kailua-Kona, Hawaii, has become a dumping ground for furniture, appliances, household items, and general rubbish. Your Committee further finds that parcel 21 is not under the jurisdiction of the Department of Land and Natural Resources, but rather the Department of Transportation, for care and maintenance.

Your Committee has therefore amended this measure by:

- (1) Requesting the Department of Transportation, rather than the Department of Land and Natural Resources, to clean up parcel 21;
- (2) Amending its title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 83, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 83, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 1606 Water and Land on S.R. No. 60

The purpose and intent of this measure is to request the Department of Land and Natural Resources to clean up all litter on the parcel of state lands identified as Tax Map Key: v(3) 7-4-008:021 (parcel 21) located at the intersection of Queen Kaahumanu Highway and Palani Road in Kailua-Kona, Hawaii.

Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committee finds that the vacant parcel 21 at the intersection of Queen Kaahumanu Highway and Palani Road in Kailua-Kona, Hawaii, has become a dumping ground for furniture, appliances, household items, and general rubbish. Your Committee further finds that parcel 21 is not under the jurisdiction of the Department of Land and Natural Resources, but rather the Department of Transportation, for care and maintenance.

Your Committee has therefore amended this measure by:

- (1) Requesting the Department of Transportation, rather than the Department of Land and Natural Resources, to clean up parcel 21:
- (2) Amending its title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 60, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 60, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 1607 Water and Land on S.C.R. No. 184

The purpose and intent of this measure is to request the Governor to establish a working group to explore matters related to the Ala Wai Canal Flood Risk Management Project.

Your Committee received testimony in support of this measure from the Office of the Governor, University of Hawai'i Community Design Center, Ka Lāhui Hawai'i Political Action Committee, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Halau Ku Mana, SEEQS Public Charter School, and five individuals.

Your Committee finds that the United States Army Corps of Engineers (USACE) has coordinated with the State and City and County of Honolulu to develop a flood mitigation plan for the Ala Wai Watershed in the event of a major storm. The USACE is currently negotiating terms with the State and City and County of Honolulu to proceed with the Ala Wai Canal Flood Risk Management Project, which received approximately \$345,000,000 in federal appropriations in July 2018. Your Committee further finds that while there have been opportunities for public input and engagement regarding the Ala Wai Watershed, further public engagement is warranted in order to consider concerns of the impacts and property owner displacements that will result from the flood mitigation plan proposal.

Your Committee has amended this measure by:

- (1) Requesting that the United States Army Corps of Engineers, State of Hawaii, and City and County of Honolulu, rather than the Governor, establish a working group to explore matters related to the Ala Wai Watershed and, in particular, the Ala Wai Canal Flood Risk Management Project;
- Requesting that a representative of the Mayor of the City and County of Honolulu's administration serve as the chair of the working group;
- (3) Requesting that the working group include a representative or representatives of the School for Examining Essential Questions of Sustainability;
- (4) Amending its title; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 184, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 184, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1608 (Joint) Water and Land and Hawaiian Affairs on S.C.R. No. 28

The purpose and intent of this measure is to:

- (1) Urge the Department of Land and Natural Resources to ensure water flow from the perched aquifers located in the upper reaches of the Wai'anae Watershed for Native Hawaiian traditional and customary practices;
- (2) Urge efforts to implement the Wai'anae Kai wildfire preparedness plan; and
- (3) Request that the Department of Land and Natural Resources, Division of Forestry and Wildlife, continue to effectively manage the Wai anae Kai Forest Reserve and restore the recently burned forest areas from the August 2018 fire with native trees and shrubs

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Ke One O Kākuhihewa, Oʻahu County Democrats, and three individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that the Wai'anae community has shown a strong interest in restoring stream flow in order to provide for native aquatic species habitat, local small-scale farming and irrigation, and the revitalization of cultural practices in the Wai'anae watershed. Your Committees further find that Wai'anae is one of the areas most susceptible to wildfires in the State. Restoring the Wai'anae Kai Forest Reserve and ensuring a healthy Wai'anae watershed will lead to continuous mauka-to-makai stream flow to enable agricultural use as well as increased fire prevention and restoration of native trees and shrubs.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 28 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

# SCRep. 1609 (Joint) Water and Land and Hawaiian Affairs on S.R. No. 20

The purpose and intent of this measure is to:

- (1) Urge the Department of Land and Natural Resources to ensure water flow from the perched aquifers located in the upper reaches of the Wai'anae Watershed for Native Hawaiian traditional and customary practices;
- (2) Urge efforts to implement the Wai'anae Kai wildfire preparedness plan; and
- (3) Request that the Department of Land and Natural Resources, Division of Forestry and Wildlife, continue to effectively manage the Wai anae Kai Forest Reserve and restore the recently burned forest areas from the August 2018 fire with native trees and shrubs.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Ke One O Kākuhihewa, Oʻahu County Democrats, and one individual. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find that the Wai'anae community has shown a strong interest in restoring stream flow in order to provide for native aquatic species habitat, local small-scale farming and irrigation, and the revitalization of cultural practices in the Wai'anae watershed. Your Committees further find that Wai'anae is one of the areas most susceptible to wildfires in the State. Restoring the Wai'anae Kai Forest Reserve and ensuring a healthy Wai'anae watershed will lead to continuous mauka-to-makai stream flow to enable agricultural use as well as increased fire prevention and restoration of native trees and shrubs.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 20 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

### SCRep. 1610 Water and Land on S.C.R. No. 124

The purpose and intent of this measure is to urge the Governor, in coordination with the Department of Land and Natural Resources, to establish and implement a tree planting program that provides for the planting in Hawaii of at least one million native trees per year over the next four years.

Your Committee received testimony in support of this measure from the O'ahu Island Parks Conservancy and four individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are numerous benefits to planting trees, including carbon sequestration; nutrient cycling; watershed filtration; enhanced groundwater recharge; diminished water loss from evaporation and transpiration; reduced erosion, runoff, and airborne pollution; nitrogen and phosphorous leaching removal; flood control; urban heat island effect mitigation; wildlife habitat preservation; increased shade; and the creation and expansion of recreational and culturally important areas. Your Committee supports tree planting efforts for reforestation and urban landscaping. Your Committee also finds that the tree planting project presents an opportunity for the State and City and County of Honolulu to work together on completion of the lei of green from Diamond head to Aloha Tower, as a model for state-wide expansion.

Your Committee notes the concerns of the Department of Land and Natural Resources and acknowledges the need of funding to meet the demands for tree planting support envisioned by this measure.

Your Committee has amended this measure by:

- (1) Inserting findings regarding the lei of green and requesting that completion of the lei of green from Diamond Head to Aloha Tower be done as part of the tree planting program;
- (2) Urging the Office of Planning to assist the Department of Land and Natural Resources in establishing and implementing the tree planting program; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 124, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 124, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1611 Water and Land on S.R. No. 93

The purpose and intent of this measure is to urge the Governor, in coordination with the Department of Land and Natural Resources, to establish and implement a tree planting program that provides for the planting in Hawaii of at least one million native trees per year over the next four years.

Your Committee received testimony in support of this measure from the O'ahu Island Parks Conservancy and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are numerous benefits to planting trees, including carbon sequestration; nutrient cycling; watershed filtration; enhanced groundwater recharge; diminished water loss from evaporation and transpiration; reduced erosion, runoff, and airborne pollution; nitrogen and phosphorous leaching removal; flood control; urban heat island effect mitigation; wildlife habitat preservation; increased shade; and the creation and expansion of recreational and culturally important areas. Your Committee supports tree planting efforts for reforestation and urban landscaping. Your Committee also finds that the tree planting project presents an opportunity for the State and City and County of Honolulu to work together on completion of the lei of green from Diamond head to Aloha Tower, as a model for state-wide expansion.

Your Committee notes the concerns of the Department of Land and Natural Resources and acknowledges the need of funding to meet the demands for tree planting support envisioned by this measure.

Your Committee has amended this measure by:

(1) Inserting findings regarding the lei of green and requesting that completion of the lei of green from Diamond Head to Aloha Tower be done as part of the tree planting program;

- (2) Urging the Office of Planning to assist the Department of Land and Natural Resources in establishing and implementing the tree planting program; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 93, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 93, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1612 Water and Land on S.C.R. No. 115

The purpose and intent of this measure is to request the Governor to prioritize the planting of four million trees along streets and roadways within the next four years to help address climate change and make complete streets statewide.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that a single tree intakes carbon dioxide and releases oxygen into the air; can absorb as much as forty-eight pounds of carbon dioxide per year and sequester one ton of carbon dioxide by the age of forty years; and also absorbs odors and pollutant gases and filters particulates out of the air by trapping the particulates on its leaves and bark. Your Committee further finds that increased planting of trees along roadways can increase shade and enhance safety for pedestrians. Your Committee finds that the State can benefit from the planting of additional trees along streets in an effort to sequester carbon, remove pollution, beautify and make complete streets, and reduce the severity of vehicle crashes.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 115 and recommends that it be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1613 Water and Land on S.R. No. 85

The purpose and intent of this measure is to request the Governor to prioritize the planting of four million trees along streets and roadways within the next four years to help address climate change and make complete streets statewide.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that a single tree intakes carbon dioxide and releases oxygen into the air; can absorb as much as forty-eight pounds of carbon dioxide per year and sequester one ton of carbon dioxide by the age of forty years; and also absorbs odors and pollutant gases and filters particulates out of the air by trapping the particulates on its leaves and bark. Your Committee further finds that increased planting of trees along roadways can increase shade and enhance safety for pedestrians. Your Committee finds that the State can benefit from the planting of additional trees along streets in an effort to sequester carbon, remove pollution, beautify and make complete streets, and reduce the severity of vehicle crashes.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 85 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 1614 Water and Land on S.C.R. No. 49

The purpose and intent of this measure is to urge the Board of Land and Natural Resources to transfer management of all submerged lands, the boat launch ramp, and related boat launch ramp facilities located at the Wahiawa Freshwater State Recreation Area located at tax map key (1) 7-6-001:006, from the Division of Aquatic Resources to the Division of Boating and Ocean Recreation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the submerged lands, boat launch ramp, and related boat launch ramp facilities at the Wahiawa Freshwater State Recreation Area are managed by the Department of Land and Natural Resources' Division of State Parks and Division of Aquatic Resources. However, the Division of Aquatic Resources' mission is to manage, conserve, and restore the State's unique aquatic resources and ecosystems for present and future generations, not to manage property associated with boating. Therefore, your Committee finds that the Division of Boating and Ocean Recreation is better suited to manage all submerged lands and the boat launch ramp and related facilities at the Wahiawa Freshwater State Recreation Area.

Your Committee has amended this measure by directing that a certified copy of this measure be transmitted to the President of Dole Food Company, Inc.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 49, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 49, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

## SCRep. 1615 Water and Land on S.R. No. 35

The purpose and intent of this measure is to urge the Board of Land and Natural Resources to transfer management of all submerged lands, the boat launch ramp, and related boat launch ramp facilities located at the Wahiawa Freshwater State Recreation Area located at tax map key (1) 7-6-001:006, from the Division of Aquatic Resources to the Division of Boating and Ocean Recreation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the submerged lands, boat launch ramp, and related boat launch ramp facilities at the Wahiawa Freshwater State Recreation Area are managed by the Department of Land and Natural Resources' Division of State Parks and Division of Aquatic Resources. However, the Division of Aquatic Resources' mission is to manage, conserve, and restore the State's unique aquatic resources and ecosystems for present and future generations, not to manage property associated with boating. Therefore, your Committee finds that the Division of Boating and Ocean Recreation is better suited to manage all submerged lands and the boat launch ramp and related facilities at the Wahiawa Freshwater State Recreation Area.

Your Committee has amended this measure by directing that a certified copy of this measure be transmitted to the President of Dole Food Company, Inc.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 35, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 35, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 1616 Water and Land on S.R. No. 148

The purpose and intent of this measure is to request the Governor to establish a working group to explore matters related to the Ala Wai Canal Flood Risk Management Project.

Your Committee received testimony in support of this measure from the University of Hawai'i Community Design Center, Ka Lāhui Hawai'i Political Action Committee, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that the United States Army Corps of Engineers (USACE) has coordinated with the State and City and County of Honolulu to develop a flood mitigation plan for the Ala Wai Watershed in the event of a major storm. The USACE is currently negotiating terms with the State and City and County of Honolulu to proceed with the Ala Wai Canal Flood Risk Management Project, which received approximately \$345,000,000 in federal appropriations in July 2018. Your Committee further finds that while there have been opportunities for public input and engagement regarding the Ala Wai Watershed, further public engagement is warranted in order to consider concerns of the impacts and property owner displacements that will result from the flood mitigation plan proposal.

Your Committee has amended this measure by:

- Requesting that the United States Army Corps of Engineers, State of Hawaii, and City and County of Honolulu, rather than the Governor, establish a working group to explore matters related to the Ala Wai Watershed and, in particular, the Ala Wai Canal Flood Risk Management Project;
- Requesting that a representative of the Mayor of the City and County of Honolulu's administration serve as the chair of the working group;
- (3) Requesting that the working group include a representative or representatives of the School for Examining Essential Questions of Sustainability;
- (4) Amending its title; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 148, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 148, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

# SCRep. 1617 Education on S.C.R. No. 33

The purpose and intent of this measure is to request the Department of Education to convene an advisory committee to make recommendations to develop and implement a plan to teach digital citizenship and media literacy in kindergarten through grade twelve in public schools, including charter schools and Hawaiian language immersion schools.

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that students use technology to play, learn, and communicate at school and home, and need to learn how to use technology responsibly. Media literacy is a necessary skill that allows all citizens to access, analyze, and evaluate information; create messages; and act using a variety of forms of communication. Students from kindergarten through grade twelve should be

educated in media literacy to obtain the skills and experiences needed to become full participants in the digital world, including instruction in understanding how media shapes perceptions.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 33 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1618 Education on S.C.R. No. 186

The purpose and intent of this measure is to encourage support for the first cohort of underprivileged, economically-disadvantaged students in Hawaii to study at elites schools in Asia through the 2020 Hawaii-Asia Youth Program.

Your Committee received testimony in support of this measure from the Department of Education and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Hawaii has long-standing historical and cultural ties to Asia, beginning with the arrival of immigrants who first arrived in the islands over two hundred years ago. Additionally, the University of Hawaii and Education Advancement Fund International, a Hawaii-based nonprofit organization, have forged connections with a number of elite schools in Asia willing to enroll underprivileged, economically-disadvantaged students in Hawaii in programs involving one-to-one exchanges in which Hawaii students receive tutoring in math and science and, in exchange, provide tutoring in English. This exchange opportunity would allow these students to study at elite educational institutions and expand their global awareness of different peoples and cultures.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 186 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

### SCRep. 1619 Education on S.C.R. No. 56

The purpose and intent of this measure is to request the Department of Education to convene a school impact fee review task force to review the school impact fees law, including enforcement of existing law, and make any recommendations to address current and future needs for the development of new schools to accommodate projected population growth.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Chamber of Commerce Hawaii, and Building Industry Association of Hawaii.

Your Committee finds that school impact fees ensure that schools are expanded or built to meet the community's needs. Act 245, Session Laws of Hawaii 2007, implemented a new method for financing, in part, the construction of new facilities and the expansion of existing Department of Education educational facilities in partnership with developers of new residential developments. However, land use planning, development patterns, and preferences have changed since 2007, and more substantive amendments to the school impact fees law may be necessary.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 56 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

# SCRep. 1620 Education on S.C.R. No. 51

The purpose and intent of this measure is to encourage the Department of Education to implement ocean safety and stewardship education for all fourth grade public school students.

Your Committee received testimony in support of this measure from the Department of Education, Ocean Safety 'Ohana, and one individual.

Your Committee finds that as an island state, ocean and water safety awareness at a young age is key to drowning prevention. In the past, the Department of Education provided water safety education to all public school students. Therefore, ocean safety and stewardship education should be reintroduced to public school students to increase awareness and prevent ocean drownings.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 51 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1621 Education on S.R. No. 36

The purpose and intent of this measure is to encourage the Department of Education to implement ocean safety and stewardship education for all fourth grade public school students.

Your Committee did not receive any testimony on this measure.

Your Committee finds that as an island state, ocean and water safety awareness at a young age is key to drowning prevention. In the past, the Department of Education provided water safety education to all public school students. Therefore, ocean safety and stewardship education should be reintroduced to public school students to increase awareness and prevent ocean drownings.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 36 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1622 Education on S.C.R. No. 71

The purpose and intent of this measure is to urge the Executive Office on Early Learning to examine and consider a sliding scale tuition or fee schedule for state pre-kindergarten programs.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning, State Public Charter School Commission, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii State Teachers Association and one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that it is essential that Hawaii's children attend pre-kindergarten programs to develop the physical, cognitive, linguistic, social, and emotional skills necessary to prepare them for success in school life. Additionally, the past decade has seen a substantial increase in public investment in early learning programs by federal, state, and local governments, particularly for economically disadvantaged children. With the State's commitment to early childhood education, there will be greater access to early childhood education for more families. However, as some households will be able to pay for some of the costs associated with pre-kindergarten education, a sliding scale tuition or fee schedule should be examined and considered.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 71 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1623 Education on S.R. No. 49

The purpose and intent of this measure is to urge the Executive Office on Early Learning to examine and consider a sliding scale tuition or fee schedule for state pre-kindergarten programs.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning and State Public Charter School Commission. Your Committee received testimony in opposition to this measure from the Hawaii State Teachers Association.

Your Committee finds that it is essential that Hawaii's children attend pre-kindergarten programs to develop the physical, cognitive, linguistic, social, and emotional skills necessary to prepare them for success in school life. Additionally, the past decade has seen a substantial increase in public investment in early learning programs by federal, state, and local governments, particularly for economically disadvantaged children. With the State's commitment to early childhood education, there will be greater access to early childhood education for more families. However, as some households will be able to pay for some of the costs associated with pre-kindergarten education, a sliding scale tuition or fee schedule should be examined and considered.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 49 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1624 Education on S.C.R. No. 74

The purpose and intent of this measure is to encourage the Department of Education and other agency and community stakeholders to continue meeting as a working group for sexual violence prevention education in public schools.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawaii Youth Services Network, The Sex Abuse Treatment Center at Kapi'olani, Hawaii Children's Action Network, Parents and Children Together, and Hawaii Women's Coalition.

Your Committee finds that sexual violence remains a serious and ongoing threat to the safety and health of children and young people in the State. Implementing a program for sexual violence prevention education in public schools is important to protect children and young people in the State and position the Department of Education's Title IX and anti-bullying efforts for success. In October 2018, the Department of Education established a working group to collaborate with other stakeholders to review Hawaii public schools' current prevention-oriented child sexual abuse programs and resources and initiate recommendations to enhance integrated, comprehensive, and sustained support to ensure the well-being of our youth. Because children and young people in Hawaii's children and youth are protected and safe.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 74 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1625 Education on S.R. No. 52

The purpose and intent of this measure is to encourage the Department of Education and other agency and community stakeholders to continue meeting as a working group for sexual violence prevention education in public schools.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Youth Services Network, The Sex Abuse Treatment Center at Kapi'olani, Hawaii Children's Action Network, and Parents and Children Together.

Your Committee finds that sexual violence remains a serious and ongoing threat to the safety and health of children and young people in the State. Implementing a program for sexual violence prevention education in public schools is important to protect children and young people in the State and position the Department of Education's Title IX and anti-bullying efforts for success. In October 2018, the Department of Education established a working group to collaborate with other stakeholders to review Hawaii public schools' current prevention-oriented child sexual abuse programs and resources and initiate recommendations to enhance integrated, comprehensive, and sustained support to ensure the well-being of our youth. Because children and young people in Hawaii experience sexual violence at rates equivalent to or higher than their mainland counterparts, the continued efforts of the working group are critical to ensuring that Hawaii's children and youth are protected and safe.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 52 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1626 Education on S.C.R. No. 81

The purpose and intent of this measure is to request all public elementary, intermediate, and middle schools in the State to participate in the Safe Routes to School program for keiki health benefits.

Your Committee received testimony in support of this measure from the Department of Transportation Services for the City and County of Honolulu. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Safe Routes to School is a program that works to make it safe, convenient, and fun for children to walk and bicycle to and from school. Because many of the Safe Routes to School program activities are eligible for funding under the federal Transportation Alternatives Program, the State should use federal funds available to supplement projects of the Department of Transportation that are adjacent to schools to enable students to safely walk and bike to and from school. Greater participation in the Safe Routes to School program by all public schools will get more children walking and bicycling to school, improve keiki safety, and increase health and physical activity.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 81 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1627 Education on S.R. No. 58

The purpose and intent of this measure is to request all public elementary, intermediate, and middle schools in the State to participate in the Safe Routes to School program for keiki health benefits.

Your Committee received testimony in support of this measure from the Department of Transportation Services for the City and County of Honolulu.

Your Committee finds that Safe Routes to School is a program that works to make it safe, convenient, and fun for children to walk and bicycle to and from school. Because many of the Safe Routes to School program activities are eligible for funding under the federal Transportation Alternatives Program, the State should use federal funds available to supplement projects of the Department of Transportation that are adjacent to schools to enable students to safely walk and bike to and from school. Greater participation in the Safe Routes to School program by all public schools will get more children walking and bicycling to school, improve keiki safety, and increase health and physical activity.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 58 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1628 Education on S.C.R. No. 190

The purpose and intent of this measure is to request the Department of Education to conduct a study to assess the adequacy of the Department's vocational education programs to prepare students for a career in a vocation.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that many students would benefit from the Department of Education offering courses and training in vocational career fields, as a four-year college degree may not be suitable for all students. According to the United States Department of Labor, there were 6,600,000 job openings in early 2018 in vocational career fields. By training students with particular skills to enter various vocational career fields, the State can ensure that the demand for skilled workers in specific industries will not exceed the number of available workers.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 190 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1629 Education on S.R. No. 153

The purpose and intent of this measure is to request the Department of Education to conduct a study to assess the adequacy of the Department's vocational education programs to prepare students for a career in a vocation.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association.

Your Committee finds that many students would benefit from the Department of Education offering courses and training in vocational career fields, as a four-year college degree may not be suitable for all students. According to the United States Department of Labor, there were 6,600,000 job openings in early 2018 in vocational career fields. By training students with particular skills to enter various vocational career fields, the State can ensure that the demand for skilled workers in specific industries will not exceed the number of available workers.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 153 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1630 Education on S.C.R. No. 215

The purpose and intent of this measure is to request the Department of Education to convene a working group to identify the most relevant factors that hinder public schools in their development of robotics programs.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that robotics appeals to a broad range of interests and allows multiple points of access to science, technology, engineering, and mathematics for many types of learners. Many Hawaii schools have robotics teams, but there are still many constraints on funding, resources, and instructors that prevent some schools from building robotics programs and recruiting students. Therefore, in order to improve science education in the State and increase opportunities for students to participate in robotics, it is necessary to identify factors and resources needed to sustain current and future robotics programs in public schools.

Your Committee has amended this measure by:

- (1) Specifying that the purpose of the working group is to identify factors and resources needed to sustain current and future robotics programs within the Department of Education;
- (2) Clarifying the issues that the working group is requested to evaluate;
- (3) Amending the composition of the working group; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 215, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 215, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1631 Education on S.R. No. 174

The purpose and intent of this measure is to request the Department of Education to convene a working group to identify the most relevant factors that hinder public schools in their development of robotics programs.

Your Committee did not receive any testimony on this measure.

Your Committee finds that robotics appeals to a broad range of interests and allows multiple points of access to science, technology, engineering, and mathematics for many types of learners. Many Hawaii schools have robotics teams, but there are still many constraints on funding, resources, and instructors that prevent some schools from building robotics programs and recruiting students. Therefore, in order to improve science education in the State and increase opportunities for students to participate in robotics, it is necessary to identify factors and resources needed to sustain current and future robotics programs in public schools.

Your Committee has amended this measure by:

- (1) Specifying that the purpose of the working group is to identify factors and resources needed to sustain current and future robotics programs within the Department of Education;
- (2) Clarifying the issues that the working group is requested to evaluate;
- (3) Amending the composition of the working group; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 174, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 174, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1632 Labor, Culture and the Arts on S.C.R. No. 76

The purpose and intent of this measure is to request the Hawaii State Foundation on Culture and the Arts to commission a monument to President Barack Obama.

Your Committee received testimony in support of this measure from the State Foundation on Culture and the Arts.

Your Committee finds that Barack Obama was born, raised, and received primary and secondary education in Hawaii. After graduating from Columbia University and receiving his doctorate of jurisprudence from Harvard University, he worked as a civil rights attorney and later professor of constitutional law in Chicago, Illinois. He entered politics and was elected to the United States Senate and later to the office of the President of the United States, becoming the first African American president in United States history. Your Committee finds that in light of President Obama's historic accomplishments and ties to Hawaii, it is appropriate to commemorate him in Hawaii.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 76 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1633 (Joint) Agriculture and Environment and Higher Education on S.C.R. No. 126

The purpose and intent of this measure is to urge the Governor, Department of Agriculture, University of Hawaii College of Tropical Agriculture and Human Resources, and other related entities to take action to help expand the aquaculture industry in the State.

Your Committees received testimony in support of this measure from the Department of Agriculture, University of Hawai'i System, Hawai'i Farm Bureau, Hawaii Aquaculture and Aquaponics Association, and three individuals. Your Committees received testimony in opposition to this measure from two individuals.

Your Committees find that Hawaii's favorable climate and geography allow for inherent advantages in aquaculture production. Your Committees further find that a revitalized aquaculture industry could help revitalize rural communities that have been increasingly left behind by other economic drivers.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 126 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

#### SCRep. 1634 (Joint) Agriculture and Environment and Higher Education on S.R. No. 96

The purpose and intent of this measure is to urge the Governor, Department of Agriculture, University of Hawaii College of Tropical Agriculture and Human Resources, and other related entities to take action to help expand the aquaculture industry in the State.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Hawai'i Farm Bureau, Hawaii Aquaculture and Aquaponics Association, one individual.

Your Committees find that Hawaii's favorable climate and geography allow for inherent advantages in aquaculture production. Your Committees further find that a revitalized aquaculture industry could help revitalize rural communities that have been increasingly left behind by other economic drivers.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 96 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

# SCRep. 1635 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 118

The purpose and intent of this measure is to request that the Department of Agriculture designate areas in each county for dairy operations and develop incentives to increase dairy operations in the State.

Your Committees received testimony in support of this measure from the Hawai'i Center for Food Safety and Hawai'i Farm Bureau. Your Committees received testimony in opposition to this measure from Keiko Conservation, Vegetarian Society of Hawaii, Animal Rights Hawai'i, Pele Lani Farm LLC and Aloha Animal Advocates, and ten individuals. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that a recent lawsuit and settlement with a local dairy operator related to violations of the Clean Water Act, including the confirmed release of millions of gallons of animal waste into nearby waterways, and other incidents of dairy waste pollution point to a need to shift away from concentrated dairy operations and toward a more sustainable model of diversified agriculture that includes milk production. Therefore, your Committees find that this measure should be adopted as an initial step toward increasing sustainable dairy farming and milk production in the State.

Your Committees have amended this measure by:

- Requesting that the Department of Agriculture also include in its report to the Legislature an examination of the effects of the Milk Act on the decline of Hawaii's dairy industry and related recommendations that could address potential future issues;
- (2) Amending the title to reflect the intent that the State desires to increase dairy operations in the State, instead of only attracting dairy operators to the State; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 118, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 118, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1636 (Joint) Water and Land and Hawaiian Affairs on S.C.R. No. 214

The purpose and intent of this measure is to:

- (1) Support and encourage the 'Imiloa Astronomy Center to further its role in developing and leading educational efforts concerning the cultural, natural, and historic resources on Mauna Kea at Hale Pōhaku; and
- (2) Encourage the transfer of the education outreach efforts and operations at the University of Hawai'i operated Mauna Kea Visitor Information Station Onizuka Center for International Astronomy to the 'Imiloa Astronomy Center.

Your Committees received testimony in support of this measure from the University of Hawai'i System.

Your Committees find that the 'Imiloa Astronomy Center at the Mauna Kea Visitor Information Station Onizuka Center for International Astronomy, also known as Hale Pōhaku or Mid-Level Support Facility, has served over one million visitors over the past thirteen years, passing on education of Native Hawaiian knowledge, culture, and history. 'Imiloa has partnered with Mauna Kea Observatories to bring scientific research and discoveries to the public via education programs and collaborations. Your Committees find that it is necessary to support the efforts of 'Imiloa and encourage transfer of the education outreach efforts and operations from the University of Hawai'i to 'Imiloa and also to encourage a restructuring, so that 'Imiloa and the Institute for Astronomy may serve as co-equal managers of Mauna Kea Support Services.

Your Committees have amended this measure by:

- (1) Inserting language to request that the Chancellors of the University of Hawai'i at Manoa and University of Hawai'i at Hilo submit a report to the Legislature prior to the convening of the Regular Session of 2020 on the restructuring of the Institute for Astronomy and the Mauna Kea Support Services at Hale Pöhaku so that the Executive Director of the 'Imiloa Astronomy Center is a co-equal manager, specifically in charge of community outreach and education, with the Executive Director of the Institute for Astronomy;
- Inserting language to request that existing astronomical facilities be engaged in contributing financial capital resources to construct the 'Imiloa Uka facility at Hale Pōhaku;
- (3) Amending the recipients of a certified copy of this measure;
- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 214, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 214, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

# SCRep. 1637 (Joint) Water and Land and Hawaiian Affairs on S.R. No. 173

The purpose and intent of this measure is to:

- (1) Support and encourage the 'Imiloa Astronomy Center to further its role in developing and leading educational efforts concerning the cultural, natural, and historic resources on Mauna Kea at Hale Põhaku; and
- (2) Encourage the transfer of the education outreach efforts and operations at the University of Hawai'i operated Mauna Kea Visitor Information Station Onizuka Center for International Astronomy to the 'Imiloa Astronomy Center.

Your Committees received testimony in support of this measure from the University of Hawai'i System. Your Committees received comments on this measure from one individual.

Your Committees find that the 'Imiloa Astronomy Center at the Mauna Kea Visitor Information Station Onizuka Center for International Astronomy, also known as Hale Pōhaku or Mid-Level Support Facility, has served over one million visitors over the past thirteen years, passing on education of Native Hawaiian knowledge, culture, and history. 'Imiloa has partnered with Mauna Kea

Observatories to bring scientific research and discoveries to the public via education programs and collaborations. Your Committees find that it is necessary to support the efforts of 'Imiloa and encourage transfer of the education outreach efforts and operations from the University of Hawai'i to 'Imiloa and also to encourage a restructuring, so that 'Imiloa and the Institute for Astronomy may serve as co-equal managers of Mauna Kea Support Services.

Your Committees have amended this measure by:

- (1) Inserting language to request that the Chancellors of the University of Hawai'i at Manoa and University of Hawai'i at Hilo submit a report to the Legislature prior to the convening of the Regular Session of 2020 on the restructuring of the Institute for Astronomy and the Mauna Kea Support Services at Hale Pöhaku so that the Executive Director of the 'Imiloa Astronomy Center is a co-equal manager, specifically in charge of community outreach and education, with the Executive Director of the Institute for Astronomy;
- (2) Inserting language to request that existing astronomical facilities be engaged in contributing financial capital resources to construct the 'Imiloa Uka facility at Hale Pōhaku;
- (3) Amending the recipients of a certified copy of this measure;
- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 173, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 173, S.D. 1.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella). Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

## SCRep. 1638 (Joint) Government Operations and Energy, Economic Development, and Tourism on S.C.R. No. 89

The purpose and intent of this measure is to urge the Department of Accounting and General Services to transition the Hawaii State Capitol Building into a net-zero energy building that produces its own renewable energy.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and Department of Accounting and General Services.

Your Committees find that the Hawaii State Capitol building has participated in a green building challenge and other energy-saving initiatives in the past; however, additional steps must be taken to fully capture available renewable energy sources to offset energy expended in operating and maintaining the building. Exploring ways to increase energy efficiency in state buildings is an important step in the State's goal of achieving 100 percent renewable energy.

Your Committees have amended this measure by:

- (1) Encouraging the Department of Accounting and General Services to work with the Capitol Management Group and historic preservation offices to identify on-site energy production and energy conservation opportunities and transition the State Capitol building into an energy-efficient, rather than net zero energy, building;
- (2) Updating the findings to remove a reference to a net-zero energy building; and
- (3) Updating its title to reflect its amended purpose.

As affirmed by the records of votes of the members of your Committees on Government Operations and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 89, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 89, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker). Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

# SCRep. 1639 (Joint) Government Operations and Energy, Economic Development, and Tourism on S.R. No. 66

The purpose and intent of this measure is to urge the Department of Accounting and General Services to transition the Hawaii State Capitol Building into a net-zero energy building that produces its own renewable energy.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and Department of Accounting and General Services.

Your Committees find that the Hawaii State Capitol building has participated in a green building challenge and other energy-saving initiatives in the past; however, additional steps must be taken to fully capture available renewable energy sources to offset energy expended in operating and maintaining the building. Exploring ways to increase energy efficiency in state buildings is an important step in the State's goal of achieving 100 percent renewable energy.

Your Committees have amended this measure by:

(1) Encouraging the Department of Accounting and General Services to work with the Capitol Management Group and historic preservation offices to identify on-site energy production and energy conservation opportunities and transition the State Capitol building into an energy-efficient, rather than net zero energy, building;

- (2) Updating the findings to remove a reference to a net-zero energy building; and
- (3) Updating its title to reflect its amended purpose.

As affirmed by the records of votes of the members of your Committees on Government Operations and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 66, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 66, S.D. I.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker). Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

## SCRep. 1640 (Joint) Government Operations and Labor, Culture and the Arts on S.C.R. No. 34

The purpose and intent of this measure is to request that the Department of Accounting and General Services conduct a study to determine various alternatives for rehabilitation and renovation of the State Capitol reflecting pool.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Department of Land and Natural Resources, and Ho'omanapono Political Action Committee. Your Committees received comments on this measure from the University of Hawai'i System.

Your Committees find that the State Capitol building, which is architecturally significant among capitol buildings nationwide, is listed on the Hawaii Register of Historic Places and National Register of Historic Places. Your Committees also find that the Department of Accounting and General Services is responsible for the maintenance of the State Capitol building, while the State Capitol Management Committee has oversight and management responsibility for the State Capitol reflecting pool. The reflecting pool surrounding the State Capitol building is a maintenance challenge and continues to leak into the occupied spaces beneath the reflecting pool, causing water infiltration and structural damage. The current budget estimate for the State Capitol reflecting pool is \$1,200,000 for design and \$14,000,000 for construction.

Your Committees further find that the University of Hawaii School of Architecture and the Hawaii State Council of the American Institute of Architects may be able to assist in formulating plans for innovative and alternative solutions that may identify more feasible, sustainable renovation methods than previously considered. This measure provides for the resolution of an important issue with the reflecting pool in a collaborative manner that will ensure that the issue of the maintenance and repair of the pool is addressed, while fully respecting and protecting the historic and iconic architecture of the Hawaii State Capitol.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 34 and recommend that it be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker). Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Chang).

## SCRep. 1641 (Joint) Government Operations and Higher Education on S.C.R. No. 44

The purpose and intent of this measure is to request the Auditor to conduct an audit of all University of Hawaii travel for fiscal years 2014-2019.

Your Committees received testimony in support of this measure from the University of Hawai'i System. Your Committees received comments on this measure from the Office of the Auditor.

Your Committees find that the responsibility to authorize and approve travel expenses for University of Hawaii employees, students, and others who travel on approved university business is delegated to various executive authorities within the University. Your Committees also find that according to University of Hawaii Executive Policy 8.208, "[a]ll official travel should be prudently planned so that the best interests of the University are served at the most reasonable cost. Any individual traveling on University business is expected to exercise the same economy that a practical person would exercise when traveling on personal business using personal funds. Individuals shall not incur inappropriate or excessive expenses, or gain financially from the University travel. Excessive costs or unjustified costs are not acceptable and will not be reimbursed."

Your Committees further find that there are concerns that University of Hawaii employees and other affiliated personnel are not following travel policies and procedures and also concerns regarding how delegated authorities review and authorize the purpose of travel as benefitting the University of Hawaii. This measure therefore requests the Auditor to conduct an audit of all University of Hawaii travel for fiscal years 2014-2019.

However, your Committees have heard the testimony from the Office of the Auditor, noting that the University of Hawaii conducted an internal audit of travel policy compliance during fiscal year 2017, which evaluated the frequency and severity of non-compliance in fiscal years 2015-2017. Your Committees therefore conclude that it would be beneficial to have the Auditor review the University of Hawaii's internal audit, rather than requiring the Auditor to conduct a new, separate audit. It is your Committees' intent for the Auditor to assess whether the 2017 internal audit was conducted in conformance with the University of Hawaii Systemwide Policies and Procedures, including University of Hawaii Executive Policy 8.208.

Your Committees have amended this measure by:

 Updating the findings to note that, because the University of Hawaii still relies on a substantial amount of state general funds, the Legislature is justified in determining if the University is following best practices in internal audits and oversight of policies;

- (2) Clarifying that the Auditor is requested to evaluate the 2017 University of Hawaii internal audit of travel policy compliance for fiscal years 2015-2017 and report to the Legislature, rather than requiring the Auditor to conduct an audit of all University of Hawaii travel for fiscal years 2014-2019;
- (3) Specifying the contents of the report to be submitted to the Legislature;
- (4) Updating its title to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 44, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 44, S.D. 1.

Signed by the Chair and President on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella). Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 1642 (Joint) Government Operations and Higher Education on S.R. No. 31

The purpose and intent of this measure is to request the Auditor to conduct an audit of all University of Hawaii travel for fiscal years 2014-2019.

Your Committees received testimony in support of this measure from the University of Hawai'i System and one individual. Your Committees received comments on this measure from the Office of the Auditor.

Your Committees find that the responsibility to authorize and approve travel expenses for University of Hawaii employees, students, and others who travel on approved university business is delegated to various executive authorities within the University. Your Committees also find that according to University of Hawaii Executive Policy 8.208, "[a]ll official travel should be prudently planned so that the best interests of the University are served at the most reasonable cost. Any individual traveling on University business is expected to exercise the same economy that a practical person would exercise when traveling on personal business using personal funds. Individuals shall not incur inappropriate or excessive expenses, or gain financially from the University travel. Excessive costs or unjustified costs are not acceptable and will not be reimbursed."

Your Committees further find that there are concerns that University of Hawaii employees and other affiliated personnel are not following travel policies and procedures and also concerns regarding how delegated authorities review and authorize the purpose of travel as benefitting the University of Hawaii. This measure therefore requests the Auditor to conduct an audit of all University of Hawaii travel for fiscal years 2014-2019.

However, your Committees have heard the testimony from the Office of the Auditor, noting that the University of Hawaii conducted an internal audit of travel policy compliance during fiscal year 2017, which evaluated the frequency and severity of non-compliance in fiscal years 2015-2017. Your Committees therefore conclude that it would be beneficial to have the Auditor review the University of Hawaii's internal audit, rather than requiring the Auditor to conduct a new, separate audit. It is your Committees' intent for the Auditor to assess whether the 2017 internal audit was conducted in conformance with the University of Hawaii Systemwide Policies and Procedures, including University of Hawaii Executive Policy 8.208.

Your Committees have amended this measure by:

- Updating the findings to note that, because the University of Hawaii still relies on a substantial amount of state general funds, the Legislature is justified in determining if the University is following best practices in internal audits and oversight of policies;
- (2) Clarifying that the Auditor is requested to evaluate the 2017 University of Hawaii internal audit of travel policy compliance for fiscal years 2015-2017 and report to the Legislature, rather than requiring the Auditor to conduct an audit of all University of Hawaii travel for fiscal years 2014-2019;
- (3) Specifying the contents of the report to be submitted to the Legislature;
- (4) Updating its title to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 31, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 31, S.D. 1.

Signed by the Chair and President on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella). Higher Education: Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 1643 (Joint) Labor, Culture and the Arts and Government Operations on S.C.R. No. 121

The purpose and intent of this measure is to urge the Department of Human Resources Development, in conjunction with the other principal departments, Office of the Governor, Office of the Lieutenant Governor, Legislature, and Judiciary to implement a pilot fellowship program to train new employees for government jobs.

Your Committees received testimony in support of this measure from the Hawaii State Judiciary, Department of Human Services, and Department of Human Resources Development.

Your Committees find that an informational briefing by your Committee on Ways and Means on February 27, 2019, revealed that there were approximately three thousand five hundred vacant positions across the various state departments, with some departments employing less than seventy-five percent of their allocated positions. Many departments claim that their high vacancy rates are partially due to a lack of qualified candidates possessing the necessary expertise for the vacant job positions. The State does not have a formal process to provide prospective employees with the necessary experiences and expertise for state government jobs. Proper job training that specifically teaches the necessary skill sets for a state job can help to reduce state job vacancies and increase retention rates. Establishing a pilot fellowship program to train new employees for government jobs will enhance the State's ability to recruit prospective employees into a career in public service, increase the competencies of the government workforce, and fill the vacancies in the State.

Your Committees note that funding for this pilot fellowship program should be considered through the proper legislative vehicle.

Your Committees have amended this measure by making technical, nonsubstantive amendments, including to its title, for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 121, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 121, S.D. 1.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1644 (Joint) Labor, Culture and the Arts and Government Operations on S.R. No. 91

The purpose and intent of this measure is to urge the Department of Human Resources Development, in conjunction with the other principal departments, Office of the Governor, Office of the Lieutenant Governor, Legislature, and Judiciary to implement a pilot fellowship program to train new employees for government jobs.

Your Committee received testimony in support of this measure from the Department of Human Services and Department of Human Resources Development.

Your Committees find that an informational briefing by your Committee on Ways and Means on February 27, 2019, revealed that there were approximately three thousand five hundred vacant positions across the various state departments, with some departments employing less than seventy-five percent of their allocated positions. Many departments claim that their high vacancy rates are partially due to a lack of qualified candidates possessing the necessary expertise for the vacant job positions. The State does not have a formal process to provide prospective employees with the necessary experiences and expertise for state government jobs. Proper job training that specifically teaches the necessary skill sets for a state job can help to reduce state job vacancies and increase retention rates. Establishing a pilot fellowship program to train new employees for government jobs will enhance the State's ability to recruit prospective employees into a career in public service, increase the competencies of the government workforce, and fill the vacancies in the State.

Your Committees note that funding for this pilot fellowship program should be considered through the proper legislative vehicle.

Your Committees have amended this measure by making technical, nonsubstantive amendments, including to its title, for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 91, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 91, S.D. 1.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella). Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1645 (Joint) Agriculture and Environment and Government Operations on S.C.R. No. 55

- (1) Request that the Auditor conduct a management and financial audit, to include operations and procurement, of the City and County of Honolulu's animal control contract with the Hawaiian Humane Society; and
- (2) Request that the Governor suspend release of any state grant funds awarded to the Hawaiian Humane Society until an audit clears the organization of any wrongdoing.

Your Committees received testimony in support of this measure from Poi Dogs and Popoki, Aloha Animal Advocates, Pacific Pet Alliance, Hashtag Speak Up Movement, Cat People of Oahu, and eighteen individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Office of the Auditor.

Your Committees find that the Hawaiian Humane Society has received several complaints regarding the high rate of euthanasia of healthy, adoptable animals. Your Committees therefore find that this measure requests an audit as a means of increasing transparency in the expenditure of public funds and current animal control practices being undertaken pursuant to the City and County of Honolulu's animal control contract with the Hawaiian Humane Society.

Your Committees have amended this measure by:

 Requesting that the City and County of Honolulu conduct the management and financial audit of its contract with the Hawaiian Humane Society, since the contract is under the purview of the City and County of Honolulu, and making conforming amendments;

- (2) Directing the City and County of Honolulu to consider best practices for the euthanasia of animals in its audit;
- (3) Amending its title to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 55, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 55, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 1646 (Joint) Agriculture and Environment and Government Operations on S.R. No. 39

- (1) Request that the Auditor conduct a management and financial audit, to include operations and procurement, of the City and County of Honolulu's animal control contract with the Hawaiian Humane Society; and
- (2) Request that the Governor suspend release of any state grant funds awarded to the Hawaiian Humane Society until an audit clears the organization of any wrongdoing.

Your Committees received testimony in support of this measure from Poi Dogs and Popoki, Pacific Pet Alliance, and Ho'omanapono Political Action Committee. Your Committees received comments on this measure from the Department of Land and Natural Resources and Office of the Auditor.

Your Committees find that the Hawaiian Humane Society has received several complaints regarding the high rate of euthanasia of healthy, adoptable animals. Your Committees therefore find that this measure requests an audit as a means of increasing transparency in the expenditure of public funds and current animal control practices being undertaken pursuant to the City and County of Honolulu's animal control contract with the Hawaiian Humane Society.

Your Committees have amended this measure by:

- Requesting that the City and County of Honolulu conduct the management and financial audit of its contract with the Hawaiian Humane Society, since the contract is under the purview of the City and County of Honolulu, and making conforming amendments;
- (2) Directing the City and County of Honolulu to consider best practices for the euthanasia of animals in its audit;
- (3) Amending its title to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 39, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 39, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 5. Noes, none. Excused, none.

#### SCRep. 1647 Commerce, Consumer Protection, and Health on S.C.R. No. 101

The purpose and intent of this measure is to request the Department of Health to convene a task force to study and make recommendations on the feasibility of using Leahi Hospital and Maluhia Hospital as centers for community-based mental health and substance abuse treatment services for non-forensic patients.

Your Committee received testimony in support of this measure from the Department of Health and Oahu Regional Health System Board of Directors. Your Committee received comments on this measure from the United Public Workers, AFSCME, Local 646, AFL-CIO.

Your Committee finds that currently, the only state facility providing mental health and substance abuse services is the Hawaii State Hospital, which currently has sufficient capacity to treat only forensic patients. There is an urgent need to expand community-based mental health and substance abuse treatment services in Hawaii at the outpatient, intermediate, and inpatient levels. Your Committee further finds that developing a comprehensive mental health care system to meet the need for community-based mental health and substance abuse treatment services requires better coordination of state resources. Convening a task force to assess the feasibility of utilizing available space at Leahi Hospital and Maluhia Hospital as centers for community-based mental health and substance abuse treatment services for non-forensic patients will be an important first step toward implementing a more coordinated continuum of care.

Your Committee has amended this measure by:

- (1) Amending the scope of the task force to include an examination of current use and possible expansion of services at Leahi Hospital and Maluhia Hospital, rather than repurposing the services provided at the hospitals;
- (2) Amending the membership of the task force;
- (3) Amending its title to reflect its updated purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 101, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 101, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

#### SCRep. 1648 Commerce, Consumer Protection, and Health on S.R. No. 73

The purpose and intent of this measure is to request the Department of Health to convene a task force to study and make recommendations on the feasibility of using Leahi Hospital and Maluhia Hospital as centers for community-based mental health and substance abuse treatment services for non-forensic patients.

Your Committee received testimony in support of this measure from the Department of Health and Oahu Regional Health System Board of Directors. Your Committee received comments on this measure from the United Public Workers, AFSCME, Local 646, AFL-CIO.

Your Committee finds that currently, the only state facility providing mental health and substance abuse services is the Hawaii State Hospital, which currently has sufficient capacity to treat only forensic patients. There is an urgent need to expand community-based mental health and substance abuse treatment services in Hawaii at the outpatient, intermediate, and inpatient levels. Your Committee further finds that developing a comprehensive mental health care system to meet the need for community-based mental health and substance abuse treatment services requires better coordination of state resources. Convening a task force to assess the feasibility of utilizing available space at Leahi Hospital and Maluhia Hospital as centers for community-based mental health and substance abuse treatment services for non-forensic patients will be an important first step toward implementing a more coordinated continuum of care.

Your Committee has amended this measure by:

- (1) Amending the scope of the task force to include an examination of current use and possible expansion of services at Leahi Hospital and Maluhia Hospital, rather than repurposing the services provided at the hospitals;
- (2) Amending the membership of the task force;
- (3) Amending its title to reflect its updated purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 73, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 73, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

## SCRep. 1649 Higher Education on S.C.R. No. 154

The purpose and intent of this measure is to request the University of Hawaii Office of Internal Audit to conduct an audit of various programs at the University of Hawaii West Oahu that receive extramural funding, including Title III grant funding.

Your Committee received testimony in support of this measure from the University of Hawai'i System. Your Committee received testimony in opposition to this measure from four individuals.

Your Committee finds that the University of Hawaii West Oahu provides various programs to assist incoming and current students. Many of these programs receive extramural funding, including Title III grant funding, for the further development of Native Hawaiian student support services. However, discrepancies in information provided by the University of Hawaii West Oahu on various programs were found, from initial documentation on the programs to follow-up documentation, as well as inconsistencies in the reporting of extramural funds. Because some of these programs utilize federal funds, further due diligence is needed to make certain that the funds are not lost due to mismanagement or abuse. To ensure an accurate accounting of all funds by the University of Hawaii West Oahu, an audit of the various programs at the University that receive extramural funding, including Title III grant funding, would clarify whether funds are being utilized appropriately for the benefit of the students.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 154 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kahele).

# SCRep. 1650 Higher Education on S.C.R. No. 60

The purpose and intent of this measure is to urge the University of Hawaii at Manoa to extend its Rainbow Shuttle service into the Kapahulu and Waikiki communities.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that the University of Hawaii at Manoa currently provides the Rainbow Shuttle service for University of Hawaii students, faculty, and staff, which consists of multiple routes that travel through the campus and in the neighboring vicinity. Because homes in the Kapahulu and Waikiki areas are regularly rented by students and frequented by students for dining, shopping, and entertainment, a reasonable extension of the Rainbow Shuttle into the Waikiki area will service a greater number of students,

thereby adding to the quality of student life and potentially increasing awareness of the school among international and mainland vicitors

Your Committee has heard the testimony of the University of Hawaii System expressing concerns regarding the additional costs of providing Rainbow Shuttle service routes into Waikiki and Kapahulu, which would be approximately \$350,000. Your Committee requests that if your Committee on Ways and Means hears this measure, it further examine the concerns relating to additional costs raised by the University of Hawaii System.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 60 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 1651 Ways and Means on H.B. No. 1180

The purpose and intent of this measure is to appropriate funds for disaster relief, recovery, mitigation, and remediation in the County of Hawaii.

Your Committee received written comments in support of this measure from the Office of the Governor; Department of Agriculture; Hawaii Emergency Management Agency; County of Hawaii Department of Research and Development; the County of Hawaii Council Member for District 3; Hawaiian Community Assets; Kohala Coast Resort Association; Pele Lani Farm, LLC.; Kapoho Land Partnership; Hawaiian Electric Company, Inc.; Hawaii Farm Bureau; and seven individuals.

Your Committee finds that the funds appropriated by this measure are needed to provide relief and repairs for homes, communities, businesses, farms, schools, cultural sites, water systems, electrical grids, and roadways damaged or destroyed by unprecedented volcanic eruptions on the island of Hawaii.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1180, H.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (Kanuha, Kidani, Riviere, Fevella).

## SCRep. 1652 Judiciary on S.C.R. No. 7

The purpose and intent of this measure is to request the Department of Human Services, in consultation with the Department of Public Safety, to work with the Family Reunification Working Group and other community stakeholders to develop a plan to establish visitation centers at all state correctional facilities and jails.

Your Committee received testimony in support of this measure from the Department of Public Safety, Hawaii Youth Services Network, Community Alliance on Prisons, Blueprint for Change, and three individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that parental incarceration is a strong risk factor for many adverse outcomes for children, including antisocial and violent behavior, mental health problems, failure to graduate from school, and unemployment. Your Committee further finds that the maintenance of family ties and parent-child relationships is linked to post-release success, lower rates of recidivism, and fewer parole violations. This measure will facilitate the development of visitation centers at state correctional facilities and jails to ensure the wellbeing of incarcerated parents and their families.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 7, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1653 Judiciary on S.R. No. 7

The purpose and intent of this measure is to request the Department of Human Services, in consultation with the Department of Public Safety, to work with the Family Reunification Working Group and other community stakeholders to develop a plan to establish visitation centers at all state correctional facilities and jails.

Your Committee received testimony in support of this measure from the Department of Public Safety, Hawaii Youth Services Network, Blueprint for Change, League of Women Voters of Hawaii, Ho'omanapono Political Action Committee, and one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that parental incarceration is a strong risk factor for many adverse outcomes for children, including antisocial and violent behavior, mental health problems, failure to graduate from school, and unemployment. Your Committee further finds that the maintenance of family ties and parent-child relationships is linked to post-release success, lower rates of recidivism, and fewer parole violations. This measure will facilitate the development of visitation centers at state correctional facilities and jails to ensure the wellbeing of incarcerated parents and their families.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 7, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1654 Commerce, Consumer Protection, and Health on S.C.R. No. 63

The purpose and intent of this measure is to request the Legislative Reference Bureau, in consultation with the Department of Commerce and Consumer Affairs, to conduct a study on the implementation of recommendations found in the *Condominium Governance – An Examination of Some Issues* 1989 Report by the Legislative Reference Bureau.

Your Committee received testimony in support of this measure from the Real Estate Commission. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that *Condominium Governance – An Examination of Some Issues*, Report No. 4, 1989 (Report) is now thirty years old. The population of Hawaii has drastically increased since 1989, along with the number of registered condominium associations, and a study should be conducted to determine whether, and to what degree, the findings and recommendations in the Report have been implemented.

Your Committee notes the concerns raised in the Legislative Reference Bureau's testimony that, at the time the Report was written, the position of "condominium specialist" within the Department of Commerce and Consumer Affairs had just been established, so very little inherent condominium governance had been amassed. Currently, there are roughly 1,668 condominium association registrations and 29 condominium hotel operator registrations. Your Committee also finds that the Real Estate Branch of the Department of Commerce and Consumer Affairs has had the benefit of 30 years or practical experience related to condominium property regimes and is authorized to employ multiple condominium specialists. Accordingly, the Real Estate Commission is in a better experiential position to conduct the study contemplated by this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the Real Estate Commission, rather than the Legislative Reference Bureau, is requested to conduct the condominium governance study and report to the Legislature;
- (2) Specifying additional areas for the Real Estate Commission to include in the condominium governance study, including assessments related to the developer's public report, current financial reserves and funding requirements, voting processes, and inherent conflicts between different types of condominium owners;
- Requesting the Legislative Reference Bureau to provide technical assistance to the Real Estate Commission as the Commission completes its study;
- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 63, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1655 Commerce, Consumer Protection, and Health on S.R. No. 41

The purpose and intent of this measure is to request the Legislative Reference Bureau, in consultation with the Department of Commerce and Consumer Affairs, to conduct a study on the implementation of recommendations found in the *Condominium Governance – An Examination of Some Issues* 1989 Report by the Legislative Reference Bureau.

Your Committee did not receive any testimony on this measure.

Your Committee finds that *Condominium Governance – An Examination of Some Issues*, Report No. 4, 1989 (Report) is now thirty years old. The population of Hawaii has drastically increased since 1989, along with the number of registered condominium associations, and a study should be conducted to determine whether, and to what degree, the findings and recommendations in the Report have been implemented.

Your Committee notes the concerns raised in the Legislative Reference Bureau's testimony that, at the time the Report was written, the position of "condominium specialist" within the Department of Commerce and Consumer Affairs had just been established, so very little inherent condominium governance had been amassed. Currently, there are roughly 1,668 condominium association registrations and 29 condominium hotel operator registrations. Your Committee also finds that the Real Estate Branch of the Department of Commerce and Consumer Affairs has had the benefit of 30 years or practical experience related to condominium property regimes and is authorized to employ multiple condominium specialists. Accordingly, the Real Estate Commission is in a better experiential position to conduct the study contemplated by this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the Real Estate Commission, rather than the Legislative Reference Bureau, is requested to conduct the condominium governance study and report to the Legislature;
- (2) Specifying additional areas for the Real Estate Commission to include in the condominium governance study, including assessments related to the developer's public report, current financial reserves and funding requirements, voting processes, and inherent conflicts between different types of condominium owners;
- (3) Requesting the Legislative Reference Bureau to provide technical assistance to the Real Estate Commission as the Commission completes its study;
- (4) Amending its title in accordance with its amended purpose; and

(5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 41, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 41, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1656 Transportation on Gov. Msg. No. 635

Recommending that the Senate advise and consent to the nomination of the following:

#### MEDICAL ADVISORY BOARD

G.M. No. 635 OSCAR DELLINGER III, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Oscar Dellinger, III, M.D., for service on the Medical Advisory Board.

Your Committee received testimony in support of the nomination for the reappointment of Oscar Dellinger, III, M.D., from the Department of Transportation.

Upon review of the testimony, your Committee finds that Dr. Dellinger has extensive experience in geriatric medicine and is the Hospice Medical Director at Saint Francis Healthcare of Hawaii. He is board certified in internal medicine, geriatric medicine, hospice and palliative medicine, and addiction medicine. Dr. Dellinger has been serving on the Medical Advisory Board representing the field of geriatrics since 2015. Your Committee further finds that his expertise in geriatric medicine and addiction medicine has been invaluable to the Medical Advisory Board, especially with the high amount of cases relating to aging drivers and substance abuse, qualify him to be reappointed to the Medical Advisory Board.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1657 Agriculture and Environment on S.C.R. No. 157

The purpose and intent of this measure is to request the Department of Agriculture to develop a Sustainable Food Security Strategic Plan and prepare an annual report to the Legislature regarding development of the Plan.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the State's food inventory leaves Hawaii with only a three to seven day supply of food when shipments from the mainland are delayed or cancelled. Your Committee further finds that improving access to and increasing the availability of sustainable local foods will benefit the residents of Hawaii and the State as a whole. This measure therefore requests the Department of Agriculture, in consultation with various stakeholders, to develop a Sustainable Food Security Strategic Plan and report its findings to the Legislature.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 157 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 1658 Agriculture and Environment on S.R. No. 123

The purpose and intent of this measure is to request the Department of Agriculture to develop a Sustainable Food Security Strategic Plan and prepare an annual report to the Legislature regarding development of the Plan.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that the State's food inventory leaves Hawaii with only a three to seven day supply of food when shipments from the mainland are delayed or cancelled. Your Committee further finds that improving access to and increasing the availability of sustainable local foods will benefit the residents of Hawaii and the State as a whole. This measure therefore requests the Department of Agriculture, in consultation with various stakeholders, to develop a Sustainable Food Security Strategic Plan and report its findings to the Legislature.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 123 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 1659 Agriculture and Environment on S.C.R. No. 153

The purpose and intent of this measure is to request the Department of Agriculture to study and make recommendations on how to increase compliance with the various requirements for agricultural lands and prevent abuse of agricultural land leases.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that some individuals abuse the benefits provided to farmers by building unpermitted structures on agricultural lands, illegally selling their leases, or simply failing to use the land for agricultural purposes. Your Committee further finds that this measure would help prevent the abuse of agricultural lands and agricultural land leases by requesting the Department of Agriculture to study potential deterrents, penalties, and other solutions and make recommendations on how to increase compliance with the various requirements for agricultural lands and agricultural land leases.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 153 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

## SCRep. 1660 Agriculture and Environment on S.R. No. 119

The purpose and intent of this measure is to request the Department of Agriculture to study and make recommendations on how to increase compliance with the various requirements for agricultural lands and prevent abuse of agricultural land leases.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that some individuals abuse the benefits provided to farmers by building unpermitted structures on agricultural lands, illegally selling their leases, or simply failing to use the land for agricultural purposes. Your Committee further finds that this measure would help prevent the abuse of agricultural lands and agricultural land leases by requesting the Department of Agriculture to study potential deterrents, penalties, and other solutions and make recommendations on how to increase compliance with the various requirements for agricultural lands and agricultural land leases.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 119 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

#### SCRep. 1661 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 35

The purpose and intent of this measure is to urge the United States Environmental Protection Agency and the Hawaii State Department of Health to reject approval of a single wall tank upgrade alternative option and the conclusions presented in the U.S. Navy's Protection and Evaluations Considerations Report for the Red Hill Bulk Fuel Storage Facility, dated July 27, 2018 (Groundwater Protection and Evaluation Report).

Your Committees received testimony in support of this measure from the Honolulu Board of Water Supply; United Public Workers, AFSCME, Local 646, AFL-CIO; Ke One O Kākuhihewa, Oʻahu Council of the Association of Hawaiian Civic Clubs; Oʻahu County Democrats Committee on Legislative Priorities; League of Women Voters of Hawaii; Environmental Caucus of the Democratic Party of Hawaii; Sierra Club of Hawaii; and seventy-seven individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii. Your Committees received comments on this measure from the United States Department of the Navy, United States Indo-Pacific Command, Department of Health, and City and County of Honolulu Office of the City Clerk.

Your Committees find that samples collected on June 25, 2018, from the steel liner of Tank 14 at the Red Hill Bulk Fuel Storage Facility show the presence of rust on the backside of the liner. Your Committees further find that Oahu's primary aquifer, which supplies drinking water to more than 600,000 residents, is located only one hundred feet below these fuel tanks that are possibly contaminating Oahu's drinking water. This measure therefore urges the United States Environmental Protection Agency and the Hawaii State Department of Health to reject approval of a single wall tank upgrade alternative option and the Groundwater Protection and Evaluation Report's conclusions, in favor of stronger protections for Oahu's water sources.

Your Committees have amended this measure by:

- (1) Urging the Environmental Protection Agency and the Hawaii State Department of Health to support the relocation of the fuel tanks away from the aquifer if secondary containment is determined to be infeasible;
- (2) Deleting the reference to the Honolulu Star Advertiser's article that would have suggested that tank rust at the Red Hill Bulk Fuel Storage Facility is more extensive than predicted; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 35, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 35, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

#### SCRep. 1662 Education on S.C.R. No. 143

The purpose and intent of this measure is to urge the Board of Education to include instruction in cardiopulmonary resuscitation into health education curriculum for students in grades nine through twelve in all public schools in the State.

Your Committee received testimony in support of this measure from the American Heart Association.

Your Committee finds that in the State, emergency medical services teams treat nearly one thousand one hundred cases of out-of-hospital cardiac arrest each year, with only nine percent of these victims surviving. Your Committee further finds that cities that have increased training for cardiopulmonary resuscitation have seen cardiac arrest survival rates reach up to sixty percent. Thirty-nine states and the District of Columbia have passed legislation requiring cardiopulmonary resuscitation training as a high school graduation requirement and at least seventy-five percent of public high school students in the United States that are graduating this year will have learned lifesaving cardiopulmonary resuscitation in their schools. By incorporating cardiopulmonary resuscitation training into health education curriculum for all students in grades nine through twelve in the State, there is a less likelihood that Hawaii residents will not feel helpless to act during a cardiac arrest emergency and survival rates for out-of-hospital cardiac arrests will increase.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 143 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1663 Education on S.R. No. 110

The purpose and intent of this measure is to urge the Board of Education to include instruction in cardiopulmonary resuscitation into health education curriculum for students in grades nine through twelve in all public schools in the State.

Your Committee received testimony in support of this measure from the American Heart Association.

Your Committee finds that in the State, emergency medical services teams treat nearly one thousand one hundred cases of out-of-hospital cardiac arrest each year, with only nine percent of these victims surviving. Your Committee further finds that cities that have increased training for cardiopulmonary resuscitation have seen cardiac arrest survival rates reach up to sixty percent. Thirty-nine states and the District of Columbia have passed legislation requiring cardiopulmonary resuscitation training as a high school graduation requirement and at least seventy-five percent of public high school students in the United States that are graduating this year will have learned lifesaving cardiopulmonary resuscitation in their schools. By incorporating cardiopulmonary resuscitation training into health education curriculum for all students in grades nine through twelve in the State, there is a less likelihood that Hawaii residents will not feel helpless to act during a cardiac arrest emergency and survival rates for out-of-hospital cardiac arrests will increase.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 110 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1664 Education on S.C.R. No. 187

The purpose and intent of this measure is to urge the Department of Education to adopt the use of electronic transcripts.

Your Committee received comments on this measure from the Department of Education and one individual.

Your Committee finds that each public school is tasked with keeping students' education records, or transcripts, which help schools, students, and families track students' progress in school. Transcripts are also important documents for opportunities after high school, such as college admission, scholarship eligibility, and employment. Therefore, it is important that these documents are stored safely and that the upkeep of these documents incorporate the advantages of technology in today's digital world. This will help to improve student satisfaction, achieve operational process efficiencies, and provide cost savings.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 187 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1665 Education on S.R. No. 150

The purpose and intent of this measure is to urge the Department of Education to adopt the use of electronic transcripts.

Your Committee did not receive any testimony on this measure.

Your Committee finds that each public school is tasked with keeping students' education records, or transcripts, which help schools, students, and families track students' progress in school. Transcripts are also important documents for opportunities after high school, such as college admission, scholarship eligibility, and employment. Therefore, it is important that these documents are stored safely and that the upkeep of these documents incorporate the advantages of technology in today's digital world. This will help to improve student satisfaction, achieve operational process efficiencies, and provide cost savings.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 150 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 1666 (Majority) Judiciary on S.C.R. No. 131

The purpose and intent of this measure is to request the United States Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the Constitution that will limit the influence of money in the electoral process.

Your Committee received testimony in support of this measure from Wolf-PAC and one hundred one individuals. Your Committee received testimony in opposition to this measure from the ILWU Local 142; League of Women Voters of Hawaii; Indivisible Hawaii; Community Alliance on Prisons; LGBT Caucus of the Democratic Party of Hawaii; Hawaii State Teachers Association; American Civil Liberties Union of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Life of the Land; Common Cause Hawaii; Americans for Democratic Action; Pride at Work Hawaii; Ho'omanapono Political Action Committee; and twenty-four individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the competitive and expensive nature of elections in the United States results in significant sums of campaign contributions from large political action committees and other powerful third-party groups. Your Committee further finds that the prevalence of money from these groups in elections has given rise to the perception of a disproportionate influence of powerful moneyed interests in American politics. This measure will request the United States Congress to convene a limited national convention for the purpose of proposing a constitutional amendment to address these concerns.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 131 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Wakai). Noes, 1 (Kim). Excused, 1 (Fevella).

# SCRep. 1667 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on S.R. No. 88

The purpose and intent of this measure is to request that the Department of Agriculture designate areas in each county for dairy operations and develop incentives to increase dairy operations in the State.

Your Committees did not receive any testimony on this measure.

Your Committees find that a recent lawsuit and settlement with a local dairy operator related to violations of the Clean Water Act, including the confirmed release of millions of gallons of animal waste into nearby waterways, and other incidents of dairy waste pollution point to a need to shift away from concentrated dairy operations and toward a more sustainable model of diversified agriculture that includes milk production. Therefore, your Committees find that this measure should be adopted as an initial step toward increasing sustainable dairy farming and milk production in the State.

Your Committees have amended this measure by:

- Requesting that the Department of Agriculture also include in its report to the Legislature an examination of the effects of the Milk Act on the decline of Hawaii's dairy industry and related recommendations that could address potential future issues;
- (2) Amending the title to reflect the intent that the State desires to increase dairy operations in the State, instead of only attracting dairy operators to the State; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 88, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.R. No. 88, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Thielen).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 1668 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 323

The purpose and intent of this measure is to classify certain former military vehicles as special interest vehicles and enable owners of former military vehicles to apply for registration.

Your Committees received testimony in support of this measure from Hanalei Beach Boys, Inc., and nine individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that the counties had previously allowed former military vehicles to be registered with their respective departments of motor vehicles. However, residents are now prohibited from registering their former military vehicles. Your Committees further find that residents use former military vehicles to safely transport large groups of people over rough terrain that requires a vehicle with four-wheel drive. Your Committees note that several states currently permit the titling and registration of former military vehicles as long as the vehicles satisfy the Federal Motor Vehicle Safety Standards. This measure will authorize former military vehicles to operate on roads in the State by allowing residents to register such vehicles.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 323, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 323, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

#### SCRep. 1669 Judiciary on H.B. No. 168

The purpose and intent of this measure is to authorize a voter with special needs to request that a ballot be forwarded by electronic transmission at any time.

Your Committee received testimony in support of this measure from the Office of Elections, Disability and Communication Access Board, League of Women Voters of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and Common Cause Hawaii.

Your Committee finds that increased voter participation improves the accuracy of elections. Your Committee further finds that some voters with special needs find it prohibitively difficult to request an absentee ballot within the established window of time or to receive an absentee ballot through the mail. Your Committee additionally finds that electronic transfer of absentee ballots will better facilitate the participation of these voters in elections.

Your Committee has amended this measure by clarifying that special needs includes a disability.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 168, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 168, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1670 Hawaiian Affairs on S.C.R. No. 174

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to conduct a study on the significance of traditional Hawaiian practices, including the Makahiki, and their effect on the perpetuation of Native Hawaiian culture.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that Makahiki games, including ulu maika, oo ihe, hukihuki, pa uma, and haka moa, show the strength of Hawaiian warriors and keep Native Hawaiians connected to their roots. Your Committee further finds that many Native Hawaiians have an interest in maintaining their traditional cultural practices. This measure requests the Office of Hawaiian Affairs to conduct a study on the significance of traditional Hawaiian practices, including the significance of the Makahiki and the need for the continuation of all Makahiki practices, and their effect on the perpetuation of Native Hawaiian culture for the purpose of preserving and perpetuating the Native Hawaiian culture for future generations.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 174 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

## SCRep. 1671 Hawaiian Affairs on S.R. No. 141

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to conduct a study on the significance of traditional Hawaiian practices, including the Makahiki, and their effect on the perpetuation of Native Hawaiian culture.

Your Committee received testimony in support of this measure from the Ho'omanapono Political Action Committee.

Your Committee finds that Makahiki games, including ulu maika, oo ihe, hukihuki, pa uma, and haka moa, show the strength of Hawaiian warriors and keep Native Hawaiians connected to their roots. Your Committee further finds that many Native Hawaiians have an interest in maintaining their traditional cultural practices. This measure requests the Office of Hawaiian Affairs to conduct a study on the significance of traditional Hawaiian practices, including the significance of the Makahiki and the need for the continuation of all Makahiki practices, and their effect on the perpetuation of Native Hawaiian culture for the purpose of preserving and perpetuating the Native Hawaiian culture for future generations.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 141 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1672 Hawaiian Affairs on S.C.R. No. 69

The purpose and intent of this measure is to request every commercial or public building located on Department of Hawaiian Home Lands trust land to display a photograph of Prince Jonah Kūhiō Kalaniana'ole and a description of his achievements.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Ke One O Kākuhihewa Oʻahu Council of the Association of Hawaiian Civic Clubs, and one individual. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds Prince Jonah Kūhiō Kalaniana'ole, known throughout the Hawaiian islands as Prince Kūhiō, focused his life on the welfare and prosperity of his constituency and especially that of his own people, the Native Hawaiians. One of Prince Kūhiō's accomplishments was spearheading the passage of the Hawaiian Homes Commission Act to provide housing and communities for the Native Hawaiian people through a government-sponsored homesteading program. That legacy lives on, with 10,000 beneficiary lessees currently living on Hawaiian homestead land and another 23,000 on the waiting list. Prince Kūhiō's efforts, accomplishments, and vision for the Hawaiian people should be commemorated.

Your Committee has amended this measure by:

- (1) Updating the findings to provide a more accurate number of individuals on the Hawaiian homestead wait list, in acknowledgment that applicants on the wait list may have multiple types of applications pending;
- Allowing buildings on Department of Hawaiian Home Lands to commemorate Prince Kūhiō with any medium of art, not just photographs;
- (3) Updating the title accordingly; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 69, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 69, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1673 Hawaiian Affairs on S.R. No. 47

The purpose and intent of this measure is to request every commercial or public building located on Department of Hawaiian Home Lands trust land to display a photograph of Prince Jonah Kūhiō Kalaniana'ole and a description of his achievements.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and Ke One O Kākuhihewa Oʻahu Council of the Association of Hawaiian Civic Clubs. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds Prince Jonah Kūhiō Kalaniana'ole, known throughout the Hawaiian islands as Prince Kūhiō, focused his life on the welfare and prosperity of his constituency and especially that of his own people, the Native Hawaiians. One of Prince Kūhiō's accomplishments was spearheading the passage of the Hawaiian Homes Commission Act to provide housing and communities for the Native Hawaiian people through a government-sponsored homesteading program. That legacy lives on, with 10,000 beneficiary lessees currently living on Hawaiian homestead land and another 23,000 on the waiting list. Prince Kūhiō's efforts, accomplishments, and vision for the Hawaiian people should be commemorated.

Your Committee has amended this measure by:

- Updating the findings to provide a more accurate number of individuals on the Hawaiian homestead wait list, in acknowledgment that applicants on the wait list may have multiple types of applications pending;
- Allowing buildings on Department of Hawaiian Home Lands to commemorate Prince Kūhiō with any medium of art, not just photographs;
- (3) Updating the title accordingly; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 47, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 47, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

## SCRep. 1674 Government Operations on S.C.R. No. 11

The purpose and intent of this measure is to reaffirm the use of the term "deaf-blind" by the State and the counties.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i, O'ahu County Committee, Affirmative Action Committee, Aloha State Association of the Deaf, and one individual.

Your Committee finds that terminology and labeling of a particular community based on a common characteristic or interest can be quite specific and significant to the community's members. Your Committee also finds that many individuals in Hawaii and nationally have used the term "deaf-blind", written in lowercase with a hyphen between the words deaf and blind, to describe individuals who are deaf and blind, which is the same way the term is used in federal laws, Hawaii Administrative Rules, and Session Laws of Hawaii. Your Committee further finds that some individuals and organizations have sought to use the term "DeafBlind" with no hyphen between the words deaf and blind and the first letter of each word capitalized. This measure requires the State, counties, and all

entities that contract with the State or a county to utilize the term "deaf-blind" with the term "deaf-blind" written in lowercase with a hyphen between the words deaf and blind.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 11, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 11, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1675 Government Operations on S.R. No. 10

The purpose and intent of this measure is to reaffirm the use of the term "deaf-blind" by the State and the counties.

Your Committee received testimony in support of this measure from the Aloha State Association of the Deaf.

Your Committee finds that terminology and labeling of a particular community based on a common characteristic or interest can be quite specific and significant to the community's members. Your Committee also finds that many individuals in Hawaii and nationally have used the term "deaf-blind", written in lowercase with a hyphen between the words deaf and blind, to describe individuals who are deaf and blind, which is the same way the term is used in federal laws, Hawaii Administrative Rules, and Session Laws of Hawaii. Your Committee further finds that some individuals and organizations have sought to use the term "DeafBlind" with no hyphen between the words deaf and blind and the first letter of each word capitalized. This measure requires the State, counties, and all entities that contract with the State or a county to utilize the term "deaf-blind" with the term "deaf-blind" written in lowercase with a hyphen between the words deaf and blind.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 10, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 10, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1676 (Joint) Government Operations and Agriculture and Environment on S.C.R. No. 155

The purpose and intent of this measure is to urge all applicable state agencies to work together with interested stakeholders in assessing the risk of aquatic invasive specifies to Hawaii, vectors, and possible mitigations.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Coordinating Group on Alien Pest Species, and one individual. Your Committees received comments on this measure from Matson.

Your Committees find that the State depends on healthy marine environments and ecosystems to support its unique cultural practices and recreational resources, preserve residents' quality of life, support local businesses, and provide habitat and sustenance for a multitude of native species — many of which are found nowhere else on Earth. Your Committees also find that aquatic invasive species have proven to be devastating on some nearshore reef environments in Hawaii and waters worldwide, harming the functioning of marine ecosystems, public health, and industries. Your Committees further find that the recognized vectors for the introduction of aquatic invasive species to Hawaii's marine environment are vessel ballast water and biofouling, which account for more than half of all non-native marine and estuarine species, followed by escapees or purposeful introduction from aquaculture, the pet trade, and research, with arrival and possible establishment of species through marine debris. Given the overlapping jurisdictions of state agencies and new federal standards and regulations that will come into effect by the close of 2022, this measure urges agencies, vessel operators, and other stakeholders to work together to assess the risks, and, if necessary, develop and implement aquatic alien species vector control programs.

As affirmed by the records of votes of the members of your Committees on Government Operations and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 155 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

## SCRep. 1677 (Joint) Government Operations and Agriculture and Environment on S.R. No. 121

The purpose and intent of this measure is to urge all applicable state agencies to work together with interested stakeholders in assessing the risk of aquatic invasive specifies to Hawaii, vectors, and possible mitigations.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Coordinating Group on Alien Pest Species. Your Committees received comments on this measure from Matson.

Your Committees find that the State depends on healthy marine environments and ecosystems to support its unique cultural practices and recreational resources, preserve residents' quality of life, support local businesses, and provide habitat and sustenance for a multitude of native species — many of which are found nowhere else on Earth. Your Committees also find that aquatic invasive species have proven to be devastating on some nearshore reef environments in Hawaii and waters worldwide, harming the functioning

of marine ecosystems, public health, and industries. Your Committees further find that the recognized vectors for the introduction of aquatic invasive species to Hawaii's marine environment are vessel ballast water and biofouling, which account for more than half of all non-native marine and estuarine species, followed by escapees or purposeful introduction from aquaculture, the pet trade, and research, with arrival and possible establishment of species through marine debris. Given the overlapping jurisdictions of state agencies and new federal standards and regulations that will come into effect by the close of 2022, this measure urges agencies, vessel operators, and other stakeholders to work together to assess the risks, and, if necessary, develop and implement aquatic alien species vector control programs.

As affirmed by the records of votes of the members of your Committees on Government Operations and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 121 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

## SCRep. 1678 Hawaiian Affairs on Gov. Msg. Nos. 574 and 575

Recommending that the Senate advise and consent to the nominations of the following:

## ISLAND BURIAL COUNCIL, ISLAND OF O'AHU

G.M. No. 574 LURLINE NAONE-SALVADOR, for a term to expire 06-30-2020; and

G.M. No. 575 WILLIAM MILLS, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Lurline Naone-Salvador and William Mills for service on the Island Burial Council, Island of O'ahu.

#### LURLINE NAONE-SALVADOR

Your Committee received testimony in support of the nomination for the appointment of Lurline Naone-Salvador from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and one individual.

Lurline Naone-Salvador has been serving as an interim member of the Oʻahu Island Burial Council since 2018. Your Committee finds that this will be Ms. Naone-Salvador's fourth appointment to the Oʻahu Island Burial Council and she brings with her a wealth of institutional knowledge about the Council. First appointed in 1991 on the first Oʻahu Island Burial Council, Ms. Naone-Salvador served as the representative of large land owners, representing Kamehameha Schools Bishop Estate, and in that capacity was a strong voice for policies protecting iwi kūpuna. Born and raised in Haleʻiwa in a family knowledgeable in Hawaiian cultural practices and skills, Ms. Naone-Salvador has worked throughout her life to preserve Hawaiian culture. She earned one of the first Hawaiian Studies degrees from the University of Hawaii, taught Hawaiian language at Kamehameha Schools, served as a land asset manager for the Kamehameha Schools, and continues to live her life according to the Hawaiian teachings and experiences passed down from her father.

#### WILLIAM MILLS

Your Committee received testimony in support of the nomination for the appointment of William Mills from the Office of Hawaiian Affairs, Department of Land and Natural Resources, and three individuals.

William Mills has been serving as an interim member of the Oʻahu Island Burial Council since 2018. After graduating with a Hawaiian Language degree and Master's degree in Public Administration from the University of Hawaii, Mr. Mills focused his career on Hawaiian issues in the public sector. Over the course of his career, Mr. Mills worked at the Office of Hawaiian Affairs, Department of Land and Natural Resources Historic Preservation Division, and Department of Hawaiian Home Lands. Of particular note to this Committee is Mr. Mills' role at the State Historic Preservation Division, where he managed all burial cases on the islands of Oʻahu and Hawaiʻi. The nominee's lifelong commitment to cultural and natural resources preservation and extensive experience with government resources and procedures will be valuable assets to the Oʻahu Burial Council.

As affirmed by the records of votes of the members of your Committee on Hawaiian Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 1679 Hawaiian Affairs on Gov. Msg. No. 573

Recommending that the Senate advise and consent to the nomination of the following:

## ISLAND BURIAL COUNCIL, ISLAND OF MOLOKA'I

G.M. No. 573 LAAKEA POEPOE, for a term to expire 06-30-2021

Your Committee reviewed the resume submitted by La'akea Poepoe for service on the Island Burial Council, Island of Molokai.

Your Committee received testimony in support of the nomination for the appointment of La'akea Poepoe from the Office of Hawaiian Affairs, Department of Land and Natural Resources, Ka Lahui Hawaii Political Action Committee, and one individual.

La'akea Poepoe has been serving as an interim member of the Island Burial Council of Molokai since 2018 and is a lineal descendant of the inhabitants of Molokai. Your Committee finds that Mr. Poepoe was a strong advocate for the proper stewardship of natural and cultural resources and for the community on Molokai during his service on the Molokai Planning Commission. As a

member of the Commission, Mr. Poepoe integrated cultural knowledge and traditional and customary practices in the development of conservation strategies for Molokai. Mr. Poepoe is a Hawaiian language speaker, and, as a member of Hui Malama O Mo'omomi since 1993, he has a deep personal knowledge of significant cultural sites and burial grounds through the coastal sand dune system of Keonelele.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 1680 Hawaiian Affairs on Gov. Msg. No. 583

Recommending that the Senate advise and consent to the nomination of the following:

#### ISLAND BURIAL COUNCIL, ISLAND OF HAWAI'I

G.M. No. 583 RANDALL HIGA, for a term to expire 06-30-2021

Your Committee reviewed the personal history and resume submitted by Randall Higa for service on the Island Burial Council, Island of Hawaii.

Your Committee received testimony in support of the nomination for the appointment of Randall Higa by the Office of Hawaiian Affairs and Department of Land and Natural Resources.

Randall Higa has served as an interim member on the Island Burial Council, Island of Hawaii, since late 2018. Although originally from Oʻahu, Mr. Higa has made his home in the Hāmākua moku and has genealogical ties to Liloa of Waipiʻo. Your Committee finds that Mr. Higa has dedicated his life to his community, with a career in education and the Honolulu Fire Department, where he retired as a Captain. He has also spent years preserving the natural beauty of Hawaii and local community gathering places by participating in beach and park cleanups and performing volunteer park maintenance.

Your Committee further finds that Mr. Higa has a history of working to preserve historic sites by performing restoration work on multiple walls, fishponds, and other historic sites, including working on projects involving Hawaiian dry stack wall renovation at Pu'u Koholā Heiau, Kalaupapa, and at the Kaloko-Honokōhau Fishpond. Mr. Higa not only preserves Hawaii's past but has also been a notable advocate for broadening the appeal of traditional Hawaiian arts to younger generations by serving on the Board of Directors of several canoe clubs.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 1681 Ways and Means on S.C.R. No. 200

The purpose and intent of this measure is to request the Public Utilities Commission to consider programs that will ease the burden of energy costs on low- and limited-income customers and customers with special medical needs.

Your Committee received written comments in support of this measure from the Hawaiian Electric Company, Parents and Children Together, and Aloha United Way.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs and Public Utilities Commission.

Your Committee finds that Hawaii's high energy costs greatly affect the State's low- and limited-income residents and residents with special medical needs.

Your Committee has amended this measure by adopting the amendment requested by the Hawaiian Electric Company that requests the Public Utilities Commission to approve a subsidy through utility rates to establish a program to assist low-income and special medical needs to customers until a State funded program is established.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 200, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 200, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1682 (Joint) Technology and Commerce, Consumer Protection, and Health on S.C.R. No. 175

The purpose and intent of this measure is to request the State to convene an artificial intelligence advisory committee to investigate how to implement, develop, and regulate artificial intelligence in the State.

Your Committees received testimony in support of this measure from the Department of Human Services, Office of Enterprise Technology Services, and Hawaii Automobile Dealers' Association. Your Committees received comments on this measure from the Hawaii Technology Development Corporation.

Your Committees find that advances in artificial intelligence are being used to benefit industries and activities as diverse as transportation, medical diagnosis, customer service and office administration, and finance; however, many experts warn of artificial intelligence's dangers, such as autonomous weapons, social manipulation, and invasion of personal privacy. Your Committees find that the State should examine the best ways to integrate and approach artificial intelligence to assure that its use is beneficial to the quality, effectiveness, and productivity of government services and economic development in the State.

As affirmed by the records of votes of the members of your Committees on Technology and Commerce, Consumer Protection, and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 175 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Wakai).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman).

#### SCRep. 1683 (Joint) Technology and Commerce, Consumer Protection, and Health on S.R. No. 142

The purpose and intent of this measure is to request the State to convene an artificial intelligence advisory committee to investigate how to implement, develop, and regulate artificial intelligence in the State.

Your Committees received testimony in support of this measure from the Department of Human Services, Office of Enterprise Technology Services, Hawaii Automobile Dealers' Association, and Ho'omanapono Political Action Committee. Your Committees received comments on this measure from the Hawaii Technology Development Corporation.

Your Committees find that advances in artificial intelligence are being used to benefit industries and activities as diverse as transportation, medical diagnosis, customer service and office administration, and finance; however, many experts warn of artificial intelligence's dangers, such as autonomous weapons, social manipulation, and invasion of personal privacy. Your Committees find that the State should examine the best ways to integrate and approach artificial intelligence to assure that its use is beneficial to the quality, effectiveness, and productivity of government services and economic development in the State.

As affirmed by the records of votes of the members of your Committees on Technology and Commerce, Consumer Protection, and Health that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 142 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Wakai).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Ruderman).

# SCRep. 1684 (Joint) Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism on S.C.R. No. 29

The purpose and intent of this measure is to urge Congress to amend title 42 United States Code section 16355 and lift the prohibition on the establishment of new national laboratories.

Your Committees did not receive any testimony on this measure.

Your Committees find that the national laboratories have served as the leading institutions for scientific innovation in the United States, spurred on by an outgrowth of investment in scientific research initiated during World War II. Your Committees further find that title 42 United States Code section 16355 states that after August 8, 2005, the Secretary of Energy shall not designate a facility that is not already listed in title 42 United States Code section 15801(3) as a national laboratory. Your Committees therefore find that this measure urges Congress to amend title 42 United States Code section 16355 to lift the prohibition on the establishment of new national laboratories to create more opportunities for scientific research and innovation through new national laboratories.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 29 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

# SCRep. 1685 (Joint) Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism on S.R. No. 21

The purpose and intent of this measure is to urge Congress to amend title 42 United States Code section 16355 and lift the prohibition on the establishment of new national laboratories.

Your Committees did not receive any testimony on this measure.

Your Committees find that the national laboratories have served as the leading institutions for scientific innovation in the United States, spurred on by an outgrowth of investment in scientific research initiated during World War II. Your Committees further find that title 42 United States Code section 16355 states that after August 8, 2005, the Secretary of Energy shall not designate a facility that is not already listed in title 42 United States Code section 15801(3) as a national laboratory. Your Committees therefore find that this measure urges Congress to amend title 42 United States Code section 16355 to lift the prohibition on the establishment of new national laboratories to create more opportunities for scientific research and innovation through new national laboratories.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 21 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Inouye).

#### SCRep. 1686 Public Safety, Intergovernmental, and Military Affairs on S.C.R. No. 213

The purpose and intent of this measure is to urge Hawai'i's congressional delegation and the Governor to collaborate with the Legislature to ensure expedited burials for veterans, deceased active duty members of the United States Armed Forces, and their spouses at veterans' cemeteries throughout Hawai'i.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the State Office of Veterans Services.

Your Committee finds that a spouse of a predeceased United States veteran buried at the Hawaii State Veterans Cemetery passed away on February 19, 2018, but could not be buried for more than five weeks due to administrative delays at the cemetery. Your Committee further finds that a proper and timely burial is a long-standing cultural practice and sacred rite of Native Hawaiians. Your Committee therefore finds that in keeping with the respect and honor of burials practiced by Native Hawaiians, this measure urges Hawai'i's congressional delegation and the Governor to collaborate with the Legislature to ensure expedited burials for veterans, deceased active duty members of the United States Armed Forces, and their spouses at veterans' cemeteries throughout Hawai'i.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 213 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1687 Public Safety, Intergovernmental, and Military Affairs on S.R. No. 172

The purpose and intent of this measure is to urge Hawai'i's congressional delegation and the Governor to collaborate with the Legislature to ensure expedited burials for veterans, deceased active duty members of the United States Armed Forces, and their spouses at veterans' cemeteries throughout Hawai'i.

Your Committee received comments on this measure from the State Office of Veterans Services.

Your Committee finds that a spouse of a predeceased United States veteran buried at the Hawaii State Veterans Cemetery passed away on February 19, 2018, but could not be buried for more than five weeks due to administrative delays at the cemetery. Your Committee further finds that a proper and timely burial is a long-standing cultural practice and sacred rite of Native Hawaiians. Your Committee therefore finds that in keeping with the respect and honor of burials practiced by Native Hawaiians, this measure urges Hawai'i's congressional delegation and the Governor to collaborate with the Legislature to ensure expedited burials for veterans, deceased active duty members of the United States Armed Forces, and their spouses at veterans' cemeteries throughout Hawai'i.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 172 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

## SCRep. 1688 Housing on S.C.R. No. 3

The purpose and intent of this measure is to request the convening of a task force to study the costs of installing automatic fire sprinkler systems in new one- and two-family dwellings.

Your Committee received testimony in support of this measure from the State Fire Council and Honolulu Fire Department. Your Committee received testimony in opposition to this measure from the Building Industry Association of Hawaii.

Your Committee finds that in the City and County of Honolulu alone, there have been 1,068 structure fires between 2006 and 2015, resulting in 27 civilian deaths, 152 civilian injuries, and more than \$100,000,000 in direct damages. Fatal residential fires occur in homes despite the presence of modern construction techniques and features, such as smoke alarms, fire-rated drywall, and ground fault circuit interrupter electrical outlets. Your Committee further finds that installing automatic fire sprinklers can reduce civilian deaths by 83 percent, civilian fire injuries by 53 percent, firefighter injuries by 65 percent, and property damage by 69 percent. This measure will establish the framework for the State to determine the cost-effectiveness of mandating the installation of automatic fire sprinklers in new one- and two-family dwelling units by convening a task force composed of pertinent stakeholders.

Your Committee has amended this measure by:

- Authorizing the Manager and Chief Engineer of the Kauai County Department of Water to appoint a designee to the task force;
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 3, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 3, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1689 Commerce, Consumer Protection, and Health on S.C.R. No. 111

The purpose and intent of this measure is to request the Medical Cannabis Insurance Reimbursement Working Group to continue its work to address the complexities surrounding medical cannabis reimbursements by health insurance.

Your Committee received testimony in support of this measure from Pono Life Maui and Drug Policy Forum of Hawaii.

Your Committee finds that medical cannabis is a valuable tool for health care providers when treating multiple disorders and diagnoses including but not limited to cancer, glaucoma, epilepsy, multiple sclerosis, rheumatoid arthritis, and lupus. For many people, especially the disabled, chronically ill, or elderly living on fixed incomes, insurance coverage is the primary means of paying for necessary medications. However, unlike other medications, medical cannabis is not covered by health insurance. The Medical Cannabis Insurance Reimbursement Working Group was established in 2018 to examine the complexities surrounding the topic of making medical cannabis reimbursable by health insurance. Due to the complexity of the issue, more work remains to be done. This measure enables the Medical Cannabis Insurance Reimbursement Working Group to continue its work examining the issues surrounding medical cannabis reimbursements by health insurance.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 111 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

## SCRep. 1690 Commerce, Consumer Protection, and Health on S.C.R. No. 137

The purpose and intent of this measure is to request the Public Utilities Commission to monitor compliance with the Federal Communications Commission mandates for the deployment of backup power generators for wireless communications providers and collect and publish data on cellular tower backup capacity.

Your Committee received testimony in support of this measure from the O'ahu County Democrats Committee on Legislative Priorities and one individual. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that Hawaii's rural communities are increasingly reliant on wireless voice communications via cellphone carriers. As a result, it is necessary for wireless communications carriers to provide resilient backup for their transmission equipment so that reliable communication is available when there are utility power outages. Your Committee further finds that increased data transparency would be helpful for the public to make informed decisions when choosing a wireless communications provider. Collecting and publishing data and statistics on backup power capacity for wireless cellular towers may also provide greater assurances to the public regarding the reliability of a particular wireless communications provider's network. This measure requests the Public Utilities Commission to monitor compliance for backup power generators for wireless communications providers and collect and publish data on cellular tower backup capacity which will ensure certain federal mandates are met and promote transparency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 137 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

## SCRep. 1691 Commerce, Consumer Protection, and Health on S.R. No. 105

The purpose and intent of this measure is to request the Public Utilities Commission to monitor compliance with the Federal Communications Commission mandates for the deployment of backup power generators for wireless communications providers and collect and publish data on cellular tower backup capacity.

Your Committee received testimony in support of this measure from the O'ahu County Democrats Committee on Legislative Priorities and one individual. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that Hawaii's rural communities are increasingly reliant on wireless voice communications via cellphone carriers. As a result, it is necessary for wireless communications carriers to provide resilient backup for their transmission equipment so that reliable communication is available when there are utility power outages. Your Committee further finds that increased data transparency would be helpful for the public to make informed decisions when choosing a wireless communications provider. Collecting and publishing data and statistics on backup power capacity for wireless cellular towers may also provide greater assurances to the public regarding the reliability of a particular wireless communications provider's network. This measure requests the Public Utilities Commission to monitor compliance for backup power generators for wireless communications providers and collect and publish data on cellular tower backup capacity which will ensure certain federal mandates are met and promote transparency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 105 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

## SCRep. 1692 Commerce, Consumer Protection, and Health on S.C.R. No. 171

The purpose and intent of this measure is to request the Auditor to assess the social and financial effects of requiring health insurers to provide coverage for clinical victim support services for victims of sexual violence and abuse.

Your Committee received testimony in support of this measure from Planned Parenthood Votes Northwest and Hawaii and O'ahu County Democrats Committee on Legislative Priorities.

Your Committee finds that sexual violence and abuse can have severe and lasting emotional and mental health impacts on victims. Clinical victim support services are a professional intervention conducted by a qualified mental health services provider to identify needs and assist in obtaining coordinated, appropriate services and resources for a victim of sexual violence and abuse in order to curtail or prevent the progression or worsening of mental disorders and associated functional impairments caused, in whole or in part, by sexual violence and abuse. Clinical victim support services are not generally covered by health insurers. This measure therefore requests the Auditor to conduct a statutorily-required impact assessment report on the social and financial effects of the mandated health insurance coverage for clinical victim support services proposed by House Bill No. 484, Regular Session of 2019.

Your Committee has amended this measure by:

- Removing incorrect references to mandatory coverage beginning on January 1, 2020, as this date does not appear in House Bill No. 484; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 171, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 171, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

#### SCRep. 1693 Commerce, Consumer Protection, and Health on S.R. No. 138

The purpose and intent of this measure is to request the Auditor to assess the social and financial effects of requiring health insurers to provide coverage for clinical victim support services for victims of sexual violence and abuse.

Your Committee received testimony in support of this measure from Planned Parenthood Votes Northwest and Hawaii, Ho'omanapono Political Action Committee, and O'ahu County Democrats Committee on Legislative Priorities.

Your Committee finds that sexual violence and abuse can have severe and lasting emotional and mental health impacts on victims. Clinical victim support services are a professional intervention conducted by a qualified mental health services provider to identify needs and assist in obtaining coordinated, appropriate services and resources for a victim of sexual violence and abuse in order to curtail or prevent the progression or worsening of mental disorders and associated functional impairments caused, in whole or in part, by sexual violence and abuse. Clinical victim support services are not generally covered by health insurers. This measure therefore requests the Auditor to conduct a statutorily-required impact assessment report on the social and financial effects of the mandated health insurance coverage for clinical victim support services proposed by House Bill No. 484, Regular Session of 2019.

Your Committee has amended this measure by:

- (1) Removing incorrect references to mandatory coverage beginning on January 1, 2020, as this date does not appear in House Bill No. 484; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 138, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 138, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

## SCRep. 1694 Commerce, Consumer Protection, and Health on S.C.R. No. 169

The purpose and intent of this measure is to designate April as Organ Donor Awareness Month in Hawaii.

Your Committee received testimony in support of this measure from the Department of Health, Legacy of Life Hawai'i, and one individual.

Your Committee finds that organ transplantation is regarded as a standard medical treatment for a number of medical conditions and diseases, including chronic kidney disease. Survival rates following an organ transplant are impressive, and donated vital organs from one person can save the lives of up to eight people in need of an organ transplant. Yet your Committee finds that despite the growing number of successful transplant operations each year, more than one hundred thousand people nationwide remain on organ donation waiting lists and an average of twenty people die each day due to a lack of available organs for transplant. In Hawaii, more than four hundred people are waiting for life-saving organ transplants. Awareness regarding the importance of organ donation is needed to increase the number of organ donors, and designating April as Donate Life Month may encourage Hawaii residents to learn more about organ donation.

Your Committee has amended this measure by:

- (1) Replacing references to Organ Donor Awareness Month with Donate Life Month to accurately reflect and parallel the national designation;
- (2) Updating the title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 169, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 169, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

#### SCRep. 1695 Commerce, Consumer Protection, and Health on S.R. No. 135

The purpose and intent of this measure is to designate April as Organ Donor Awareness Month in Hawaii.

Your Committee did not receive any testimony on this measure.

Your Committee finds that organ transplantation is regarded as a standard medical treatment for a number of medical conditions and diseases, including chronic kidney disease. Survival rates following an organ transplant are impressive, and donated vital organs from one person can save the lives of up to eight people in need of an organ transplant. Yet your Committee finds that despite the growing number of successful transplant operations each year, more than one hundred thousand people nationwide remain on organ donation waiting lists and an average of twenty people die each day due to a lack of available organs for transplant. In Hawaii, more than four hundred people are waiting for life-saving organ transplants. Awareness regarding the importance of organ donation is needed to increase the number of organ donors, and designating April as Donate Life Month may encourage Hawaii residents to learn more about organ donation.

Your Committee has amended this measure by:

- Replacing references to Organ Donor Awareness Month with Donate Life Month to accurately reflect and parallel the national designation;
- (2) Updating the title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 135, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 135, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

#### SCRep. 1696 Commerce, Consumer Protection, and Health on S.C.R. No. 113

The purpose and intent of this measure is to request that the Hawaii State Executive Office on Aging update the 2013 white paper on active aging and provide a final report on its updated version no later than the start of the Regular Session of 2021.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that Hawaii's older adult population is growing rapidly and at a constantly increasing pace. The State has responded by putting initiatives in place to build infrastructure for eldercare, which focuses principally on the medically-defined needs of the frail, disabled, and dependent populations. Although these initiatives are vital to the health and well-being of Hawaii's older person population that is frail or dependent on caregivers, your Committee finds they do not address the needs of the elderly population that remains active and independent. For these individuals, a policy of active aging and promoting high cognitive and physical function and maintaining engagement in life, rather than solely focusing on avoiding disease and disability, may be more appropriate.

This measure requests the Executive Office on Aging to respond to the needs of the active aging population by updating its 2013 white paper on active aging to create a new social policy paradigm centered on active aging. Your Committee notes the Executive Office on Aging's concern that additional funding is necessary to update the 2013 white paper. However, your Committee encourages the Executive Office on Aging to partner with community groups including but not limited to Caring Across Generations, University of Hawaii Center on Aging, or Policy Advisory Board for Elder Affairs to begin developing an active aging plan. Your Committee finds that if an active aging plan is developed, the Legislature may be more open in the future to entertaining a request for funding to complete the update to the 2013 white paper.

Your Committee has amended this measure by making technical, nonsubstantive amendments, including in its title, for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 113, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 113, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

## SCRep. 1697 Commerce, Consumer Protection, and Health on S.R. No. 83

The purpose and intent of this measure is to request that the Hawaii State Executive Office on Aging update the 2013 white paper on active aging and provide a final report on its updated version no later than the start of the Regular Session of 2021.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs and O'ahu County Democrats Committee on Legislative Priorities. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that Hawaii's older adult population is growing rapidly and at a constantly increasing pace. The State has responded by putting initiatives in place to build infrastructure for eldercare, which focuses principally on the medically-defined needs of the frail, disabled, and dependent populations. Although these initiatives are vital to the health and well-being of Hawaii's older person population that is frail or dependent on caregivers, your Committee finds they do not address the needs of the elderly population that remains active and independent. For these individuals, a policy of active aging and promoting high cognitive and physical function and maintaining engagement in life, rather than solely focusing on avoiding disease and disability, may be more appropriate.

This measure requests the Executive Office on Aging to respond to the needs of the active aging population by updating its 2013 white paper on active aging to create a new social policy paradigm centered on active aging. Your Committee notes the Executive Office on Aging's concern that additional funding is necessary to update the 2013 white paper. However, your Committee encourages the Executive Office on Aging to partner with community groups including but not limited to Caring Across Generations, University of Hawaii Center on Aging, or Policy Advisory Board for Elder Affairs to begin developing an active aging plan. Your Committee finds that if an active aging plan is developed, the Legislature may be more open in the future to entertaining a request for funding to complete the update to the 2013 white paper.

Your Committee has amended this measure by making technical, nonsubstantive amendments, including in its title, for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 83, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 83, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Fevella).

#### SCRep. 1698 Commerce, Consumer Protection, and Health on S.C.R. No. 97

The purpose and intent of this measure is to declare November as Alzheimer's Awareness Month and June as Alzheimer's and Dementia Awareness Month in Hawaii.

Your Committee received testimony in support of this measure from the Executive Office on Aging.

Your Committee finds Alzheimer's disease is the sixth leading cause of death in the United States, killing more people than breast cancer and prostate cancer combined, with one out of three seniors dying from Alzheimer's disease. There are an estimated 27,000 people aged 65 and older with Alzheimer's disease in Hawaii today, and that number is expected to increase by more than 40 percent by 2025. The Alzheimer's Association estimated that the cost of care for a person living with Alzheimer's disease is approximately \$341,840 and Alzheimer's disease and other forms of dementia cost people in the United States a combined \$277 billion in 2018. Your Committee further finds that while there is no cure for Alzheimer's disease, increased public awareness and an early and accurate diagnosis of Alzheimer's disease and other forms of dementia may reduce the costs of care for a person living with Alzheimer's disease and other forms of dementia. Your Committee finds designating November as Alzheimer's and Dementia Awareness month may encourage residents to learn more about Alzheimer's disease and related ailments and motivate them to contact the Alzheimer's Association Aloha Chapter to access resources and receive support to help them live well with Alzheimer's disease.

Your Committee has amended this measure by:

- (1) Amending the findings to incorporate updated statistics regarding Alzheimer's disease and other forms of dementia;
- (2) Clarifying that the designated month for Alzheimer's and Dementia Awareness is November;
- (3) Amending the title accordingly; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 97, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 97, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1699 Commerce, Consumer Protection, and Health on S.R. No. 77

The purpose and intent of this measure is to declare November as Alzheimer's Awareness Month and June as Alzheimer's and Dementia Awareness Month in Hawaii.

Your Committee received testimony in support of this measure from the Executive Office on Aging.

Your Committee finds Alzheimer's disease is the sixth leading cause of death in the United States, killing more people than breast cancer and prostate cancer combined, with one out of three seniors dying from Alzheimer's disease. There are an estimated 27,000 people aged 65 and older with Alzheimer's disease in Hawaii today, and that number is expected to increase by more than 40 percent by 2025. The Alzheimer's Association estimated that the cost of care for a person living with Alzheimer's disease is approximately \$341,840 and Alzheimer's disease and other forms of dementia cost people in the United States a combined \$277 billion in 2018. Your Committee further finds that while there is no cure for Alzheimer's disease, increased public awareness and an early and accurate diagnosis of Alzheimer's disease and other forms of dementia may reduce the costs of care for a person living with Alzheimer's disease and other forms of dementia. Your Committee finds designating November as Alzheimer's and Dementia Awareness month may encourage residents to learn more about Alzheimer's disease and related ailments and motivate them to contact the Alzheimer's Association Aloha Chapter to access resources and receive support to help them live well with Alzheimer's disease.

Your Committee has amended this measure by:

- (1) Amending the findings to incorporate updated statistics regarding Alzheimer's disease and other forms of dementia;
- (2) Clarifying that the designated month for Alzheimer's and Dementia Awareness is November;
- (3) Amending the title accordingly; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 77, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 77, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1700 Commerce, Consumer Protection, and Health on S.C.R. No. 102

The purpose and intent of this measure is to declare June 27 of each year as Post-Traumatic Stress Injury Awareness Day and designate the month of June of each year as Post-Traumatic Stress Injury Awareness Month in Hawaii.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that post-traumatic stress disorder was first recognized by the American Psychiatric Association in 1980 to more accurately understand and treat veterans who had endured severe operational combat stress. However, post-traumatic stress is not limited to veterans and can occur following any extreme traumatic event including interpersonal violence, life-threatening accidents, or natural disaster. Severe post-traumatic stress is a very common and treatable injury to the brain, and timely treatment can diminish complications and prevent suicides among those affected by it. However, this type of trauma has historically been cast as a mental illness rather than as an injury, which can discourage those affected from seeking proper and timely medical treatment. Your Committee further finds that de-stigmatizing this condition by emphasizing that it is an injury and not a disorder and raising awareness of the symptoms and treatability of post-traumatic stress injury may encourage more people to seek timely medical treatment.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 102 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1701 Commerce, Consumer Protection, and Health on S.R. No. 75

The purpose and intent of this measure is to declare June 27 of each year as Post-Traumatic Stress Injury Awareness Day and designate the month of June of each year as Post-Traumatic Stress Injury Awareness Month in Hawaii.

Your Committee did not receive any testimony on this measure.

Your Committee finds that post-traumatic stress disorder was first recognized by the American Psychiatric Association in 1980 to more accurately understand and treat veterans who had endured severe operational combat stress. However, post-traumatic stress is not limited to veterans and can occur following any extreme traumatic event including interpersonal violence, life-threatening accidents, or natural disaster. Severe post-traumatic stress is a very common and treatable injury to the brain, and timely treatment can diminish complications and prevent suicides among those affected by it. However, this type of trauma has historically been cast as a mental illness rather than as an injury, which can discourage those affected from seeking proper and timely medical treatment. Your Committee further finds that de-stigmatizing this condition by emphasizing that it is an injury and not a disorder and raising awareness of the symptoms and treatability of post-traumatic stress injury may encourage more people to seek timely medical treatment.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 75 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 1702 Commerce, Consumer Protection, and Health on S.C.R. No. 67

The purpose and intent of this measure is to request public water and sewer utilities to consider the disruption to traffic and transportation as a criterion in planning future maintenance.

Your Committee received testimony in support of this measure from the City and County of Honolulu Board of Water Supply.

Your Committee finds that more than one thousand five hundred water main breaks were reported from 2012 to 2017. Traffic mitigation efforts to alleviate the flow of traffic are often done improperly and interrupt daily commutes. This measure therefore requests public water and sewer utilities to consider the disruption to traffic and transportation as a criterion for planning future maintenance to help mitigate traffic congestion and delays.

Your Committee notes that the City and County of Honolulu Board of Water Supply has a pipeline replacement prioritization program that considers a number of criteria when evaluating risk of failure and identifying the high risk pipelines that should be replaced first. The age of the pipe, type and size of the water main or pipe, depth, growth of corrosion, soil corrosion, and location and number of breaks are among the criteria. A Water Master Plan adopted in October 2016 provides a roadmap for long-term water system planning on Oahu for the next thirty years. The plan is intended to be an amendable document, allowing for flexibility in its implementation through periodic updates and adjustment of projects as conditions and needs change.

Your Committee also notes the testimony from the City and County of Honolulu Board of Water Supply, that sewer utilities are not within the purview of the Board of Water Supply. Therefore, amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that public water utilities are requested to consider the disruption to traffic and transportation as a criterion in planning future maintenance, rather than public water and sewer utilities;
- (2) Updating the title to reflect its amended purpose; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 67, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 67, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Fevella).

## SCRep. 1703 (Joint) Government Operations and Labor, Culture and the Arts on S.C.R. No. 173

The purpose and intent of this measure is to request that the Department of Accounting and General Services establish a task force to conduct a study about the current and future needs of the State Archives.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services. Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that the current State Archives Building is outdated in appearance and function. Your Committees also find that the historical records of Hawaii held at the State Public Library should be stored in the same location and with the same archival standards as the historical records held at the State Archives; however, the State Archives Building is at ninety-three percent capacity and does not have enough space. Your Committees further find that members of the community seek to donate important historical documents and artifacts to the State Archives, but a lack of storage space requires the State Archivist to be very selective in accepting donations. Establishing a task force to conduct a study about the current and future needs of the State Archives will be an important step toward ensuring the preservation and perpetuation of the historic records and artifacts of Hawaii.

Your Committees have amended this measure by deleting as unnecessary the provision that would have exempted the task force from Chapter 92, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 173, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 173, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker). Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Chang).

# SCRep. 1704 (Joint) Government Operations and Labor, Culture and the Arts on S.R. No. 140

The purpose and intent of this measure is to request that the Department of Accounting and General Services establish a task force to conduct a study about the current and future needs of the State Archives.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services. Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that the current State Archives Building is outdated in appearance and function. Your Committees also find that the historical records of Hawaii held at the State Public Library should be stored in the same location and with the same archival standards as the historical records held at the State Archives; however, the State Archives Building is at ninety-three percent capacity and does not have enough space. Your Committees further find that members of the community seek to donate important historical documents and artifacts to the State Archives, but a lack of storage space requires the State Archivist to be very selective in accepting donations. Establishing a task force to conduct a study about the current and future needs of the State Archives will be an important step toward ensuring the preservation and perpetuation of the historic records and artifacts of Hawaii.

Your Committees have amended this measure by deleting as unnecessary the provision that would have exempted the task force from Chapter 92, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 140, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 140, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker). Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Chang).

## SCRep. 1705 Energy, Economic Development, and Tourism on S.C.R. No. 50

The purpose and intent of this measure is to rename the Natural Energy Laboratory of Hawaii Authority as the George R. Ariyoshi Natural Energy Laboratory.

Your Committee received testimony in support of this measure from the Blue Planet Foundation. Your Committee received comments on this measure from the Natural Energy Laboratory of Hawaii Authority.

Your Committee finds that former Governor George R. Ariyoshi, the first governor of Japanese-American ancestry in the United States, proposed various ideas to protect the islands, including the idea of "controlled growth" to limit the impact of the growing population within the islands; the State Plan, which included measures to conserve the environment; and investment in alternative and renewable sources of power, including the development of ocean technologies. Your Committee also finds that Governor Ariyoshi's vision was instrumental in developing the Natural Energy Laboratory of Hawaii (NELH). In 1986, the Hawaii Ocean Science and Technology (HOST) Park was created under the High Technology Development Corporation as a separate entity, and in 1990, NELH and HOST Park were merged into the Natural Energy Laboratory of Hawaii Authority (NELHA) and attached to the Department of Business, Economic Development, and Tourism. Your Committee further finds that NELHA is involved in productive research and commercial activities that support sustainable industry development in Hawaii and provide advanced technology jobs for the local economy, which could not have been as successful without the early, visionary encouragement and support of Governor Ariyoshi. Accordingly, this measure renames the Natural Energy Laboratory of Hawaii Authority as the George R. Ariyoshi Natural Energy Laboratory to recognize Governor Ariyoshi for his dedication to the sustainable future of Hawaii.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 50 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1706 Energy, Economic Development, and Tourism on S.C.R. No. 122

The purpose and intent of this measure is to urge the Governor to nominate opportunity zones to assist with the economic development in census tracts in Wahiawa and Whitmore Village.

Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the federal Tax Cuts and Jobs Act authorized a community economic development program called the Opportunity Zones Program to encourage long-term investments in economically distressed communities nationwide by providing incentives for investors to re-invest unrealized capital gains into opportunity funds established by the private sector, in exchange for temporary tax deferral and other tax benefits. Your Committee also finds that despite being meant for economically distressed communities, many of which are rural communities, opportunity zones were not designated in any rural areas in the City and County of Honolulu. This measure urges the Governor to nominate opportunity zones to assist with economic development in census tracts in Wahiawa and Whitmore Village.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 122 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

#### SCRep. 1707 Energy, Economic Development, and Tourism on S.R. No. 92

The purpose and intent of this measure is to urge the Governor to nominate opportunity zones to assist with the economic development in census tracts in Wahiawa and Whitmore Village.

Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the federal Tax Cuts and Jobs Act authorized a community economic development program called the Opportunity Zones Program to encourage long-term investments in economically distressed communities nationwide by providing incentives for investors to re-invest unrealized capital gains into opportunity funds established by the private sector, in exchange for temporary tax deferral and other tax benefits. Your Committee also finds that despite being meant for economically distressed communities, many of which are rural communities, opportunity zones were not designated in any rural areas in the City and County of Honolulu. This measure urges the Governor to nominate opportunity zones to assist with economic development in census tracts in Wahiawa and Whitmore Village.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 92 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

## SCRep. 1708 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.C.R. No. 165

The purpose and intent of this measure is to request the Office of Planning to establish an agricultural housing task force to study existing county and state laws, rules, and processes to plan for the construction of on-farm employee housing within the state agricultural district.

Your Committees received testimony in support of this measure from the Ulupono Initiative, Hawai'i Center for Food Safety, Share Your Mana, Pono Hawai'i Initiative, Hawai'i Alliance for Progressive Action, Greenleaf Farm, Maui County Farm Bureau, and forty-five individuals. Your Committees received comments on this measure from the Department of Agriculture and Office of Planning.

Your Committees find that sustainability and self-sufficiency in agriculture and local food production are a priority for the State. Your Committees also find that economically safe, sanitary, and affordable on-farm employee housing is critical for working farms to attract and retain long-term and short-term farm workers. However, on-farm housing must comply with different layers of regulations at the federal level and laws and rules at the state and county levels. Furthermore, many of the laws and rules governing construction

of traditional residential housing units are ill-suited to the demands and economic realities of working farms. Your Committees further find that these existing laws, rules, and processes preclude farms from providing safe, sanitary, and affordable on-farm employee housing to attract and retain farm workers, and stand as an obstacle to the State's agricultural self-sufficiency.

Your Committees have amended this measure by:

- (1) Updating findings regarding the legal and regulatory environment relating to on-farm housing;
- (2) Indicating the Legislature's support of the intent of existing laws to prevent the use of agricultural lands for primarily residential use and the Legislature's recognition that supporting housing for actual farm workers on farms producing commercial agricultural products must be tailored for that purpose;
- (3) Specifying that the agricultural housing task force is requested to:
  - (A) Limit its recommendations to those that support the construction of on-farm housing on working farms;
  - (B) Consider, in addition to modular housing, portable and temporary employee housing, which can be removed if a farm ceases production; and
  - (C) Propose a master use application process, laws, and rules that can be applied throughout the State to issue a discretionary permit for the construction of on-farm employee housing on active commercial farms; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 165, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 165, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

## SCRep. 1709 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on S.R. No. 131

The purpose and intent of this measure is to request the Office of Planning to establish an agricultural housing task force to study existing county and state laws, rules, and processes to plan for the construction of on-farm employee housing within the state agricultural district.

Your Committees received testimony in support of this measure from the Ulupono Initiative, Hawai'i Center for Food Safety, Share Your Mana, Pono Hawai'i Initiative, Hawai'i Alliance for Progressive Action, Greenleaf Farm, and forty-five individuals. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that sustainability and self-sufficiency in agriculture and local food production are a priority for the State. Your Committees also find that economically safe, sanitary, and affordable on-farm employee housing is critical for working farms to attract and retain long-term and short-term farm workers. However, on-farm housing must comply with different layers of regulations at the federal level and laws and rules at the state and county levels. Furthermore, many of the laws and rules governing construction of traditional residential housing units are ill-suited to the demands and economic realities of working farms. Your Committees further find that these existing laws, rules, and processes preclude farms from providing safe, sanitary, and affordable on-farm employee housing to attract and retain farm workers, and stand as an obstacle to the State's agricultural self-sufficiency.

Your Committees have amended this measure by:

- (1) Updating findings regarding the legal and regulatory environment relating to on-farm housing;
- (2) Indicating the Legislature's support of the intent of existing laws to prevent the use of agricultural lands for primarily residential use and the Legislature's recognition that supporting housing for actual farm workers on farms producing commercial agricultural products must be tailored for that purpose;
- (3) Specifying that the agricultural housing task force is requested to:
  - (A) Limit its recommendations to those that support the construction of on-farm housing on working farms;
  - (B) Consider, in addition to modular housing, portable and temporary employee housing, which can be removed if a farm ceases production; and
  - (C) Propose a master use application process, laws, and rules that can be applied throughout the State to issue a discretionary permit for the construction of on-farm employee housing on active commercial farms; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 131, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 131, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

#### SCRep. 1710 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.C.R. No. 158

The purpose and intent of this measure is to encourage the Hawaii Tourism Authority and Department of Land and Natural Resources' State Historic Preservation Division to work with community organizations to assist in the establishment of historical markers and trails

Your Committees received testimony in support of this measure from the Hawai'i Tourism Authority; Democratic Party of Hawai'i, Hawaiian Affairs Caucus; O'ahu County Democrats Committee on Legislative Priorities; and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the Hawaii Tourism Authority was established to act as the lead agency for Hawaii's visitor industry and is charged with certain responsibilities. Your Committees also find that the Hawaii Tourism Authority recognizes that some visitors are interested in a more authentic experience, which has resulted in increased tourism in Hawaii's small rural communities. The Hawaii Tourism Authority currently provides support to cultural and heritage tourism events through its product enrichment program, and one of the principal objectives of cultural heritage tourism is collaboration with local organizations and the public to develop sustainable economies. Since historical trail and walking tours have been utilized by community stakeholders to identify historic individuals or landmarks for the purpose of creating cultural attractions, this measure encourages the Hawaii Tourism Authority and Department of Land and Natural Resources' State Historic Preservation Division to work with community organizations to establish historical markers and trails, thereby promoting cultural and heritage tourism.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 158 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

#### SCRep. 1711 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.R. No. 124

The purpose and intent of this measure is to encourage the Hawaii Tourism Authority and Department of Land and Natural Resources' State Historic Preservation Division to work with community organizations to assist in the establishment of historical markers and trails.

Your Committees received testimony in support of this measure from the Hawai'i Tourism Authority; Democratic Party of Hawai'i, Hawaiian Affairs Caucus; Oahu County Democrats; Ho'omanapono Political Action Committee; and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the Hawaii Tourism Authority was established to act as the lead agency for Hawaii's visitor industry and is charged with certain responsibilities. Your Committees also find that the Hawaii Tourism Authority recognizes that some visitors are interested in a more authentic experience, which has resulted in increased tourism in Hawaii's small rural communities. The Hawaii Tourism Authority currently provides support to cultural and heritage tourism events through its product enrichment program, and one of the principal objectives of cultural heritage tourism is collaboration with local organizations and the public to develop sustainable economies. Since historical trail and walking tours have been utilized by community stakeholders to identify historic individuals or landmarks for the purpose of creating cultural attractions, this measure encourages the Hawaii Tourism Authority and Department of Land and Natural Resources' State Historic Preservation Division to work with community organizations to establish historical markers and trails, thereby promoting cultural and heritage tourism.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 124 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 1712 Commerce, Consumer Protection, and Health on S.C.R. No. 112

The purpose and intent of this measure is to urge the Department of Health to work with the Hawaii Restaurant Association to establish industry standards to address certain unsanitary food handling conditions in food establishments and adopt rules.

Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that improper handling of food at eateries and other food service establishments gives rise to public health concerns. Of particular concern is contamination from employees who serve food and may also perform tasks such as cleaning tables or facilities, or handling financial transactions. This is of particular concern in small establishments like food trucks where employees perform multiple roles. Your Committee further finds the Department of Health adopted the 2013 Food and Drug Administration Model Food Code in September 2017, making Hawaii one of the nation's food safety leaders as most other states' regulations are still based on the 2005 or 2009 version of the model code. Your Committee notes that because the adoption of the 2013 Model Food Code is so recent, perhaps not all establishments are aware of the heightened requirements.

Your Committee has amended this measure by:

- (1) Updating the findings to acknowledge that the Department of Health updated the Food Safety Code in 2017;
- Removing language urging the Department of Health and Hawaii Restaurant Association to develop rules or industry standards for food safety;

- (3) Urging the Department of Health and Hawaii Restaurant Association to work together to inform Hawaii's food establishments of recently updated Department of Health food safety rules and industry standards;
- (4) Urging the Department of Health and Hawaii Restaurant Association to submit a report on their findings and recommendations, including any proposed legislation, to the Legislature prior to the 2020 session;
- (5) Updating the title to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 112, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 112, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1713 Commerce, Consumer Protection, and Health on S.R. No. 82

The purpose and intent of this measure is to urge the Department of Health to work with the Hawaii Restaurant Association to establish industry standards to address certain unsanitary food handling conditions in food establishments and adopt rules.

Your Committee received testimony in support of this measure from the Hawai'i Restaurant Association.

Your Committee finds that improper handling of food at eateries and other food service establishments gives rise to public health concerns. Of particular concern is contamination from employees who serve food and may also perform tasks such as cleaning tables or facilities, or handling financial transactions. This is of particular concern in small establishments like food trucks where employees perform multiple roles. Your Committee further finds the Department of Health adopted the 2013 Food and Drug Administration Model Food Code in September 2017, making Hawaii one of the nation's food safety leaders as most other states' regulations are still based on the 2005 or 2009 version of the model code. Your Committee notes that because the adoption of the 2013 Model Food Code is so recent, perhaps not all establishments are aware of the heightened requirements.

Your Committee has amended this measure by:

- (1) Updating the findings to acknowledge that the Department of Health updated the Food Safety Code in 2017;
- Removing language urging the Department of Health and Hawaii Restaurant Association to develop rules or industry standards for food safety;
- (3) Urging the Department of Health and Hawaii Restaurant Association to work together to inform Hawaii's food establishments of recently updated Department of Health food safety rules and industry standards;
- (4) Urging the Department of Health and Hawaii Restaurant Association to submit a report on their findings and recommendations, including any proposed legislation, to the Legislature prior to the 2020 session;
- (5) Updating the title to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 82, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 82, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1714 Commerce, Consumer Protection, and Health on S.C.R. No. 98

The purpose and intent of this measure is to designate February of each year as Liver and Bile Duct Cancer Awareness Month in Hawaii.

Your Committee received testimony in support of this measure from the American Cancer Society Cancer Action Network and two individuals.

Your Committee finds that Hawaii has the highest death rate of liver and bile duct cancer in the nation, with 184 new liver cancer and bile duct cancer cases diagnosed in Hawaii every year, which is a 33 percent higher incidence of liver and bile duct cancer than the national statistical norm. Currently, over 1,000 people in Hawaii are fighting liver cancer and bile duct cancer, both of which are almost always fatal.

Your Committee further finds that research indicates that liver flukes and aflatoxins may cause liver and bile duct cancer. Liver flukes, a type of parasitic flatworm found in freshwater fish, shellfish, cattle, and vegetables grown in fresh water, such as watercress, have been previously found in Hawaii. Aflatoxins are produced by a fungus abundant in warm and humid climates like Hawaii that grows on foods such as rice, grains, and nuts that are stored improperly or for long periods of time.

Your Committee finds that there is little public awareness and education around liver and bile duct cancer and the relationship and risks that Hawaii's local diet and environment present to increasing the risk of contracting these diseases. Raising awareness through a Liver and Bile Duct Cancer Awareness Month may encourage individuals to discuss liver and bile duct cancer risks and prevention with their health care providers.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 98, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 98, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1715 Commerce, Consumer Protection, and Health on S.R. No. 78

The purpose and intent of this measure is to designate February of each year as Liver and Bile Duct Cancer Awareness Month in Hawaii.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Hawaii has the highest death rate of liver and bile duct cancer in the nation, with 184 new liver cancer and bile duct cancer cases diagnosed in Hawaii every year, which is a 33 percent higher incidence of liver and bile duct cancer than the national statistical norm. Currently, over 1,000 people in Hawaii are fighting liver cancer and bile duct cancer, both of which are almost always fatal.

Your Committee further finds that research indicates that liver flukes and aflatoxins may cause liver and bile duct cancer. Liver flukes, a type of parasitic flatworm found in freshwater fish, shellfish, cattle, and vegetables grown in fresh water, such as watercress, have been previously found in Hawaii. Aflatoxins are produced by a fungus abundant in warm and humid climates like Hawaii that grows on foods such as rice, grains, and nuts that are stored improperly or for long periods of time.

Your Committee finds that there is little public awareness and education around liver and bile duct cancer and the relationship and risks that Hawaii's local diet and environment present to increasing the risk of contracting these diseases. Raising awareness through a Liver and Bile Duct Cancer Awareness Month may encourage individuals to discuss liver and bile duct cancer risks and prevention with their health care providers.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 78, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 78, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1716 Commerce, Consumer Protection, and Health on S.C.R. No. 104

The purpose and intent of this measure is to request the Auditor to assess the social and financial effects of mandating health care coverage of cannabidiol oil derived from industrial hemp.

Your Committee received testimony in support of this measure from the Kihei Community Association and three individuals.

Your Committee finds that industrial hemp contains cannabidiol, a therapeutic non-psychoactive chemical compound. The medicinal benefits of cannabidiol have been recently recognized by the United States Food and Drug Administration, which recently approved a cannabidiol oral solution to treat seizures associated with severe forms of epilepsy. Additional medicinal benefits can include relieving pain, reducing nausea, easing migraines, and reducing inflammation. Your Committee further notes that industrial hemp-derived products have been removed from Schedule I of the federal Controlled Substances Act under certain circumstances. H.B. No. 20, introduced during the Regular Session of 2019, requires health insurers and similar entities that provide coverage for health care to provide drug coverage for cannabidiol oil that is derived from industrial hemp. This measure requests that the Auditor conduct an assessment pursuant to sections 25-51 and 23-52, Hawaii Revised Statutes, to assess the social and financial effects of mandating health care coverage of cannabidiol oil derived from industrial hemp.

Your Committee has amended this measure by:

- (1) Clarifying that industrial hemp-derived products have been removed from Schedule I of the federal Controlled Substances Act under certain circumstances;
- (2) Updating its title to reflect the amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 104, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 104, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1717 Commerce, Consumer Protection, and Health on S.R. No. 76

The purpose and intent of this measure is to request the Auditor to assess the social and financial effects of mandating health care coverage of cannabidiol oil derived from industrial hemp.

Your Committee did not receive any testimony on this measure.

Your Committee finds that industrial hemp contains cannabidiol, a therapeutic non-psychoactive chemical compound. The medicinal benefits of cannabidiol have been recently recognized by the United States Food and Drug Administration, which recently approved a cannabidiol oral solution to treat seizures associated with severe forms of epilepsy. Additional medicinal benefits can include relieving pain, reducing nausea, easing migraines, and reducing inflammation. Your Committee further notes that industrial hemp-derived products have been removed from Schedule I of the federal Controlled Substances Act under certain circumstances. H.B. No. 20, introduced during the Regular Session of 2019, requires health insurers and similar entities that provide coverage for health care to provide drug coverage for cannabidiol oil that is derived from industrial hemp. This measure requests that the Auditor conduct an assessment pursuant to sections 25-51 and 23-52, Hawaii Revised Statutes, to assess the social and financial effects of mandating health care coverage of cannabidiol oil derived from industrial hemp.

Your Committee has amended this measure by:

- Clarifying that industrial hemp-derived products have been removed from Schedule I of the federal Controlled Substances Act under certain circumstances;
- (2) Updating its title to reflect the amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 76, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 76, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

## SCRep. 1718 Commerce, Consumer Protection, and Health on S.R. No. 45

The purpose and intent of this measure is to request public water and sewer utilities to consider the disruption to traffic and transportation as a criterion in planning future maintenance.

Your Committee received testimony in support of this measure from the City and County of Honolulu Board of Water Supply and O'ahu County Democrats Committee on Legislative Priorities.

Your Committee finds that more than one thousand five hundred water main breaks were reported from 2012 to 2017. Traffic mitigation efforts to alleviate the flow of traffic are often done improperly and interrupt daily commutes. This measure therefore requests public water and sewer utilities to consider the disruption to traffic and transportation as a criterion for planning future maintenance to help mitigate traffic congestion and delays.

Your Committee notes that the City and County of Honolulu Board of Water Supply has a pipeline replacement prioritization program that considers a number of criteria when evaluating risk of failure and identifying the high risk pipelines that should be replaced first. The age of the pipe, type and size of the water main or pipe, depth, growth of corrosion, soil corrosion, and location and number of breaks are among the criteria. A Water Master Plan adopted in October 2016 provides a roadmap for long-term water system planning on Oahu for the next thirty years. The plan is intended to be an amendable document, allowing for flexibility in its implementation through periodic updates and adjustment of projects as conditions and needs change.

Your Committee also notes the testimony from the City and County of Honolulu Board of Water Supply, that sewer utilities are not within the purview of the Board of Water Supply. Therefore, amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that public water utilities are requested to consider the disruption to traffic and transportation as a criterion in planning future maintenance, rather than public water and sewer utilities;
- (2) Updating the title to reflect its amended purpose; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 45, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 45, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Fevella).

# SCRep. 1719 Commerce, Consumer Protection, and Health on S.C.R. No. 120

The purpose and intent of this measure is to request the Hawaii Developmental Disabilities Council to convene a working group to coordinate all services provided to individuals with intellectual and developmental disabilities and their families.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; State Council on Developmental Disabilities; Workforce Development Council; Hawaii Psychological Association; Hawaii Disability Rights Center; Democratic Party of Hawaii Oʻahu County Committee, Affirmative Action Committee; and one individual. Your Committee received comments on this measure from the Department of Health and Department of Human Services.

Your Committee finds several state departments are responsible for providing various support and services to individuals with intellectual and developmental disabilities. However, lack of coordination between these departments regarding services and planning

activities results in gaps in the spectrum of needed services, duplication of services, lack of clarity in responsibility for services, and poorly articulated inter-agency programs, which reduces the quality of programs for individuals with intellectual and developmental disabilities. Your Committee further finds that better coordination between the departments and community groups providing support and services will improve service delivery and quality. Your Committee notes that an organizing body outside of the departments responsible for support and services is essential to coordinate between the various departments and community groups and the Hawaii Developmental Disabilities Council is well equipped to step into that role.

Your Committee has amended this measure by:

- Clarifying that the scope of the working group is limited and does not include all services provided to individuals with intellectual and developmental disabilities and their families;
- (2) Amending the membership of the working group to include certain impacted divisions, organizations, and individuals;
- (3) Requiring the working group, rather than the Hawaii Developmental Disabilities Council, to provide recommendations to the impacted divisions and making an associated conforming amendment;
- (4) Clarifying that the working group is requested to provide recommendations on the service planning process and formats for eligible individuals;
- (5) Updating the title to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 120, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 120, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 1720 Commerce, Consumer Protection, and Health on S.R. No. 90

The purpose and intent of this measure is to request the Hawaii Developmental Disabilities Council to convene a working group to coordinate all services provided to individuals with intellectual and developmental disabilities and their families.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations and Workforce Development Council. Your Committee received comments on this measure from the Department of Health and Department of Human Services.

Your Committee finds several state departments are responsible for providing various support and services to individuals with intellectual and developmental disabilities. However, lack of coordination between these departments regarding services and planning activities results in gaps in the spectrum of needed services, duplication of services, lack of clarity in responsibility for services, and poorly articulated inter-agency programs, which reduces the quality of programs for individuals with intellectual and developmental disabilities. Your Committee further finds that better coordination between the departments and community groups providing support and services will improve service delivery and quality. Your Committee notes that an organizing body outside of the departments responsible for support and services is essential to coordinate between the various departments and community groups and the Hawaii Developmental Disabilities Council is well equipped to step into that role.

Your Committee has amended this measure by:

- Clarifying that the scope of the working group is limited and does not include all services provided to individuals with intellectual and developmental disabilities and their families;
- (2) Amending the membership of the working group to include certain impacted divisions, organizations, and individuals;
- (3) Requiring the working group, rather than the Hawaii Developmental Disabilities Council, to provide recommendations to the impacted divisions and making an associated conforming amendment;
- (4) Clarifying that the working group is requested to provide recommendations on the service planning process and formats for eligible individuals;
- (5) Updating the title to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 90, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 90, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1721 (Joint) Agriculture and Environment and Water and Land on S.C.R. No. 182

The purpose and intent of this measure is to:

(1) Recognize the importance of the State's pollinator species and the threat that systemic insecticides pose to those species; and

(2) Urge the Department of Land and Natural Resources and Department of Agriculture to take measures to limit pollinator exposure to neonicotinoids.

Your Committees received testimony in support of this measure from the Hawai'i Alliance for Progressive Action; Pele Lani Farm LLC, Hawai'i SEED; Hoola Honey Bee Relocation; Animal Rights Hawai'i; Keiko Conservation; Beekeeper/Waianae Hunting Association; Pesticide Action Network North America, Hawaii; and ninety-nine individuals. Your Committees received testimony in opposition to this measure from CropLife America and Hawai'i Farm Bureau. Your Committees received comments on this measure from the Department of Agriculture, Department of Land and Natural Resources, and Hawaii Crop Improvement Association.

Your Committees find that pollinator species, including honeybees and other native bees, are vital to agricultural production in the State. Your Committees further find that a particular class of systemic insecticides, neonicotinoids, are a significant threat to the existence of pollinator species. Your Committees therefore find that this measure urges the Department of Land and Natural Resources and Department of Agriculture to protect Hawaii's pollinator species, restrict the use of neonicotinoid insecticides, and submit a report to the Legislature on the measures taken and any proposed legislation necessary to limit pollinator exposure to neonicotinoids.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the Department of Agriculture should take the lead in taking measures and proposing legislation to limit pollinator exposure to neonicotinoids.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 182, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 182, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Ruderman, Thielen). Water and Land: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Nishihara, Riviere).

#### SCRep. 1722 (Joint) Agriculture and Environment and Water and Land on S.R. No. 136

The purpose and intent of this measure is to:

- (1) Recognize the importance of the State's pollinator species and the threat that systemic insecticides pose to those species; and
- (2) Urge the Department of Land and Natural Resources and Department of Agriculture to take measures to limit pollinator exposure to neonicotinoids.

Your Committees received testimony in support of this measure from the Hawai'i Alliance for Progressive Action; Hawai'i SEED; 350Hawaii.org; Hoola Honey Bee Relocation; Beekeeper/Waianae Hunting Association; Pesticide Action Network North America, Hawaii; and ninety-eight individuals. Your Committees received testimony in opposition to this measure from CropLife America and Hawai'i Farm Bureau. Your Committees received comments on this measure from the Department of Land and Natural Resources, Hawaii Crop Improvement Association, and one individual.

Your Committees find that pollinator species, including honeybees and other native bees, are vital to agricultural production in the State. Your Committees further find that a particular class of systemic insecticides, neonicotinoids, are a significant threat to the existence of pollinator species. Your Committees therefore find that this measure urges the Department of Land and Natural Resources and Department of Agriculture to protect Hawaii's pollinator species, restrict the use of neonicotinoid insecticides, and submit a report to the Legislature on the measures taken and any proposed legislation necessary to limit pollinator exposure to neonicotinoids.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the Department of Agriculture should take the lead in taking measures and proposing legislation to limit pollinator exposure to neonicotinoids.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 136, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 136, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Ruderman, Thielen). Water and Land: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 1723 (Joint) Agriculture and Environment and Education and Higher Education on S.C.R. No. 73

The purpose and intent of this measure is to request that the Department of Agriculture, Department of Education, and University of Hawaii at Manoa College of Tropical Agriculture and Human Resources create a strategy for students to learn about modern farming.

Your Committees received testimony in support of this measure from the Department of Agriculture, one member of the Hawai'i County Council, Hawai'i Farm Bureau, and ten individuals. Your Committees received comments on this measure from the Department of Education, University of Hawai'i System, and Ka Ohana O Na Pua.

Your Committees find that the primary cause of the shortage of new farmers in Hawaii during the past several decades is the decline of support for agriculture education from state government to modernize farming techniques and technology, which has resulted in insufficient interest in pursuing the fields of agriculture and natural resource management among youth. Your Committees further find that in order to meet the State's aspirations for increased food security and self-sufficiency, the number of local farms and farmers and the amount of food produced for local markets will need to increase significantly, and be relevant and interesting to youth. Your

Committees therefore find that this measure requests that the Department of Agriculture, Department of Education, and University of Hawaii at Manoa College of Tropical Agriculture and Human Resources create a strategy for students to learn about modern farming and consider modern farming technologies, including methods and techniques of modern farming related to aquaponics, hydroponics, machinery, soil and water sensors, weather tracking, satellite imaging, pervasive automation, minichromosomal technology, radio-frequency identification technology, and vertical farming.

Your Committees have amended this measure by:

- (1) Designating the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources to serve as the lead agency in creating a strategy for students to learn about modern farming;
- Requesting the agencies to also consider greenhouse technology in forming a strategy for students to learn about modern farming;
- (3) Requesting that the strategy include a plan for new curriculum for students in grades six through twelve;
- (4) Requesting that the strategy include proposals to address land tenure issues for farmers, including long-term land leases and infrastructure concerns;
- (5) Requesting that the strategy include information gathered from other countries that have adopted modern agricultural practices that have resulted in higher yields, greater productivity, lower input costs, and increased profitability for farmers;
- (6) Making the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources the lead agency in submitting the report to the Legislature;
- (7) Amending the title; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Education, and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 73, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 73, S.D. 1.

Signed by the Chairs on behalf of the Committees. Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella). Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella). Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1724 (Joint) Agriculture and Environment and Education and Higher Education on S.R. No. 51

The purpose and intent of this measure is to request that the Department of Agriculture, Department of Education, and University of Hawaii at Manoa College of Tropical Agriculture and Human Resources create a strategy for students to learn about modern farming.

Your Committees received testimony in support of this measure from the Hawai'i Farm Bureau and one individual. Your Committees received comments on this measure from the University of Hawai'i System.

Your Committees find that the primary cause of the shortage of new farmers in Hawaii during the past several decades is the decline of support for agriculture education from state government to modernize farming techniques and technology, which has resulted in insufficient interest in pursuing the fields of agriculture and natural resource management among youth. Your Committees further find that in order to meet the State's aspirations for increased food security and self-sufficiency, the number of local farms and farmers and the amount of food produced for local markets will need to increase significantly, and be relevant and interesting to youth. Your Committees therefore find that this measure requests that the Department of Agriculture, Department of Education, and University of Hawaii at Manoa College of Tropical Agriculture and Human Resources create a strategy for students to learn about modern farming and consider modern farming technologies, including methods and techniques of modern farming related to aquaponics, hydroponics, machinery, soil and water sensors, weather tracking, satellite imaging, pervasive automation, minichromosomal technology, radio-frequency identification technology, and vertical farming.

Your Committees have amended this measure by:

- (1) Designating the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources to serve as the lead agency in creating a strategy for students to learn about modern farming;
- (2) Requesting the agencies to also consider greenhouse technology in forming a strategy for students to learn about modern farming:
- (3) Requesting that the strategy include a plan for new curriculum for students in grades six through twelve;
- (4) Requesting that the strategy include proposals to address land tenure issues for farmers, including long-term land leases and infrastructure concerns:
- (5) Requesting that the strategy include information gathered from other countries that have adopted modern agricultural practices that have resulted in higher yields, greater productivity, lower input costs, and increased profitability for farmers;
- (6) Making the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources the lead agency in submitting the report to the Legislature;
- (7) Amending the title; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Education, and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 51, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 51, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1725 (Joint) Agriculture and Environment and Human Services on S.C.R. No. 130

The purpose and intent of this measure is to:

- Engage, endorse, accept, and adopt the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention);
- (2) Request that the United States Congress embrace the Aarhus Convention and make protection of the environment and decision-making on environmental policies the centerpiece of national debate and practice.

Your Committees received testimony in support of this measure from the Department of Human Services and O'ahu County Democrats Committee on Legislative Priorities.

Your Committees find that the Aarhus Convention:

- (1) Links environmental rights and human rights;
- (2) Acknowledges that we owe an obligation to future generations;
- (3) Establishes that sustainable development can be achieved only through the involvement of all stakeholders;
- (4) Links government accountability and environmental protection; and
- (5) Focuses on interactions between the public and public authorities in a democratic context.

Your Committees further find that the tenets of the Aarhus Convention align with many of the State's environmental policies and goals. Your Committees therefore find that this measure engages, endorses, accepts, and adopts the Aarhus Convention and requests the United States Congress to embrace the Aarhus Convention and elevate environmental protection and policies in national debate and practice.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 130, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 130, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere).

#### SCRep. 1726 (Joint) Agriculture and Environment and Human Services on S.R. No. 99

The purpose and intent of this measure is to:

- (1) Engage, endorse, accept, and adopt the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention);
- (2) Request that the United States Congress embrace the Aarhus Convention and make protection of the environment and decision-making on environmental policies the centerpiece of national debate and practice.

Your Committees received testimony in support of this measure from the Department of Human Services, O'ahu County Democrats Committee on Legislative Priorities, and Ho'omanapono Political Action Committee.

Your Committees find that the Aarhus Convention:

- (1) Links environmental rights and human rights;
- (2) Acknowledges that we owe an obligation to future generations;
- (3) Establishes that sustainable development can be achieved only through the involvement of all stakeholders;
- (4) Links government accountability and environmental protection; and
- (5) Focuses on interactions between the public and public authorities in a democratic context.

Your Committees further find that the tenets of the Aarhus Convention align with many of the State's environmental policies and goals. Your Committees therefore find that this measure engages, endorses, accepts, and adopts the Aarhus Convention and requests the United States Congress to embrace the Aarhus Convention and elevate environmental protection and policies in national debate and practice.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 99, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 99, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere).

## SCRep. 1727 Commerce, Consumer Protection, and Health on Gov. Msg. No. 604

Recommending that the Senate advise and consent to the nomination of the following:

#### PUBLIC UTILITIES COMMISSION

G.M. No. 604 LEODOLOFF ASUNCION, for a term to expire 06-30-2020

Your Committee reviewed the personal history, resume, and statement submitted by Leodoloff Asuncion for service on the Public Utilities Commission.

Your Committee received testimony in support of the nomination for the appointment of Leodoloff Asuncion from the Governor; Department of Transportation; Department of Agriculture; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Department of Budget and Finance; Office of Community Services; Office of Enterprise Technology Services; Office of Environmental Quality Control; Public Utilities Commission; Hawaii Farm Bureau; Young Brothers, LLC; Hawai'i Gas; SanHi Government Strategies, LLLP; Rosehill and Associates, LLLP; Ashford and Wriston, LLLP; Imanaka Asato, LLLC; Capitol Consultants of Hawaii; Building Industry Association of Hawaii; and twelve individuals.

Upon review of the testimony, your Committee finds that Mr. Asuncion's background, experience, and commitment to public service qualify him to be nominated for appointment to the Public Utilities Commission. Your Committee notes that Mr. Asuncion holds a Bachelor of Arts in Political Science and a Master of Urban and Regional Planning from the University of Hawaii and a Master of Business Administration from Hawaii Pacific University. Your Committee further finds that Mr. Asuncion has been with the Office of Planning since June 2011 and is currently the Planning Program Administrator II where he is responsible for the overall management administrations and operations of the Office's Planning Division, which includes the Hawaii Coastal Zone Management Program, Hawaii Geographic Information Systems Program, and Special Plans Branch. Mr. Asuncion was previously the Director and Interim Director of the Office of Planning. As the Director of the Office of Planning, Mr. Asuncion oversaw management, administration, and operations, and represented the Office of Planning before the Hawaii Congressional Delegation, State Legislature, and various decision-making bodies.

Prior to joining the Office of Planning, Mr. Asuncion spent several years handling resource planning in the private sector, including serving as a Senior Regulatory Analyst and Senior Integrated Resource Planning Analyst for Hawaiian Electric Company, Inc., and as a Project Planner/Manager for SSFM International, Inc. Mr. Asuncion has also previously worked as a planner for the Hawaii State Judiciary and for the State Land Use Commission. Mr. Asuncion is active in a number of state and national boards and associations, including the American Planning Association. As a member of the National Board of Directors for the American Planning Association, Mr. Asuncion is able to share, on a national platform, how Hawaii is leading its energy transformation and bring back emerging best practices to better inform the State's energy transition.

Your Committee finds that Mr. Asuncion's extensive planning experience in the public and private sectors have given him a comprehensive understanding of many complex, interdependent policy issues, including in the energy field, which will be of great benefit to the Public Utilities Commission.

Testifiers commented that Mr. Asuncion's understanding of planning, economics, and regulatory and fiscal principles, along with his ability to forecast trends and act proactively, will be an asset to the Public Utilities Commission and public interests. Mr. Asuncion's work with Hawaiian Electric Company and his background in administration demonstrate his extensive experience with regulated industries and his ability to address governmental issues and develop strong management plans for organizations. With this broad involvement in public policy issues that are important to the State's future, Mr. Asuncion is prepared to address the wide array of regulated utilities and regulatory issues within the Public Utilities Commission's jurisdiction.

Your Committee notes from Mr. Asuncion's personal statement that he has a thorough understanding of the role and responsibilities of a member of the Public Utilities Commission. During his term, Mr. Asuncion intends to assist the Public Utilities Commission in advancing its goals and objectives, better the Public Utilities Commission's productivity and efficiency, and issue balanced decisions that are fair and timely.

Your Committee notes that Mr. Asuncion's extensive urban planning background, leadership skills, and thorough understanding of regulatory requirements will be an invaluable complement to the expertise of the other Commissioners and therefore recommends that Mr. Asuncion be appointed to the Public Utilities Commission based on his knowledge, background, and dedication to serving in the public's best interest.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Ruderman, Thielen).

## SCRep. 1728 Labor, Culture and the Arts on Gov. Msg. No. 606

Recommending that the Senate advise and consent to the nomination of the following:

# DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

G.M. No. 606 SCOTT T. MURAKAMI, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Scott T. Murakami for service as the Director of Labor and Industrial Relations.

Your Committee received testimony in support of the nomination for the appointment of Mr. Murakami from the Governor; Department of Human Resources Development; Department of Business, Economic Development, and Tourism; Department of Transportation; Department of Agriculture; Department of Public Safety; Department of Accounting and General Services; Department of Hawaiian Home Lands; Department of Human Services; Department of Budget and Finance; Department of Health; Workforce Development Council; Workforce Development Division of the Department of Labor and Industrial Relations; Office of Enterprise Technology Services; University of Hawai'i System; McKinley Community School for Adults; Leeward Community College; Kapiolani Community College; State Rehabilitation Council; Labor and Industrial Relations Appeals Board; Research Corporation of the University of Hawai'i; Workforce Solutions Group; Hawaii Disability Rights Center; Oahu Economic Development Board; Hawaii Island Economic Development Board; National Coalition of Advanced Technology Centers; Spatial Integrated Systems, Inc.; Hawaii Island Service Association; Arc of Kona; Gray Hong Nojima & Associates, Inc.; Chamber of Commerce Hawaii; Hawaii Farm Bureau Federation; Ship Repair Association of Hawaii; Hawaii Carpenters Apprenticeship and Training Fund; and over fifty individuals.

Your Committee finds that Mr. Murakami is currently the Acting Director of Labor and Industrial Relations. Most recently, he served as the Director of Workforce Development in the Office of the Vice President for Community Colleges and previously, as the Director of the Pacific Center for Advanced Technology Training. Mr. Murakami has served in positions for numerous educational institutes including as Provost and Chief Executive Officer for Hawaii Technology Institute, Vice President of Academic Affairs for Hawaii Business College, Financial Services Manager for Hawaii Job Corps Center, and Administrative Officer for University of Hawaii at Manoa. Mr. Murakami also holds positions or is a member of a number of organizations including the State of Hawaii Rehabilitation Council, Economic Development Council Alliance of Hawaii, Workforce Development Council, and Chamber of Commerce Hawaii. Mr. Murakami holds a Bachelor of Arts degree in Political Science and Sociology, Master's degree in Business Administration, and Master's degree in Accounting.

Your Committee believes that Mr. Murakami, with approximately twenty-eight years of experience in workforce development, employment and training, and vocational rehabilitation, possesses the qualifications to continue to serve as the Director of Labor and Industrial Relations. More particularly, his understanding of Hawaii's public workforce strengths and weaknesses, and extensive experience and knowledge of labor market data, advanced technology training, and post-secondary education will continue to serve him well in overseeing the numerous programs under the Department. Testifiers commented on Mr. Murakami's dedication, knowledge, leadership skills, experience, professionalism, compassion, and strong commitment to Hawaii's workforce - qualities that benefit the Department as it strives to fulfil its mandates.

Your Committee also notes that testifiers remarked that Mr. Murakami has shown that he has the ability to work collaboratively with businesses, labor organizations, education providers, and state leaders. He has a firm working knowledge about government and the Department and possesses the right amount of managerial and policy perspective that will serve the Department well and ultimately serve those whose interests the Department is there to protect. Mr. Murakami is dedicated to increasing workforce development opportunities for all of Hawaii's residents and providing a competitive advantage to Hawaii's business in the global economy. Testifiers also mentioned that Mr. Murakami leads with heart and aloha. In his own testimony, Mr. Murakami stated that he is confident that he and his team can make a positive contribution to improving the resilience of Hawaii's economy in the global marketplace and strengthen Hawaii's economic safety net. He also emphasized that he would like to do his part to be sure that employment opportunities are available to Hawaii's youth and young adults who choose to make the investment to better themselves by allowing them to compete in the global labor market while being able to continue to call Hawaii home.

Your Committee finds that Mr. Murakami's vast experience, leadership skills, collaborative nature, compassion, and dedication, will continue to serve him well as the Director of Labor and Industrial Relations.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Chang).

# SCRep. 1729 Labor, Culture and the Arts on Gov. Msg. No. 607

Recommending that the Senate advise and consent to the nomination of the following:

## DEPUTY DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

G.M. No. 607 LEONARD HOSHIJO, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Leonard Hoshijo for service as the Deputy Director of Labor and Industrial Relations.

Your Committee received testimony in support of the nomination for the appointment of Mr. Hoshijo from the Governor; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Human Resources Development; Department of Human Services; Department of Budget and Finance; Department of Health; Department of

Transportation; Department of Agriculture; Department of Business, Economic Development, and Tourism; Department of Public Safety; Workforce Development Division of the Department of Labor and Industrial Relations; Workforce Development Council; Office of Enterprise Technology Services; University of Hawaii West Oahu; University of Hawaii Professional Assembly; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Construction Alliance; Pacific Resource Partnership; Hawaii Laborers-Employers Cooperation and Education Trust; ILWU Local 142; Ralph S. Inouye Co., Ltd.; LiUNA Local 368; Hawaii Regional Council of Carpenters; International Union of Painters and Allied Trades, District Council 50; Nordic PCL; Democratic Party of Hawaii Labor Caucus; Hawaii Farm Bureau Federation; Alan Shintani, Inc.; and fourteen individuals.

Your Committee finds that Mr. Hoshijo has dedicated his professional life in service to Hawaii's labor force. Mr. Hoshijo obtained his Bachelor of Arts degree from Antioch College and a P.Ed. degree from the University of Hawaii. After college, he worked for the International Longshore and Warehouse Union (ILWU), Local 142 for twenty-six years, where he served in various positions, including as a Housing Representative, Organizer, International Representative, and International Vice President and carried out an assortment of responsibilities. Mr. Hoshijo then served as the Education and Political Director for the Hawaii Regional Council of Carpenters from 2001 until 2015, where he accomplished numerous endeavors including the successful contract negotiation for project labor agreements with military housing developers that privatized military housing to ensure that homes for Army, Navy, Marines, and Air Force families would be built efficiently for fifty years at area standard wages for construction workers.

Mr. Hoshijo began serving as Deputy Director of Labor and Industrial Relations in 2015. Mr. Hoshijo then became the Director of Labor and Industrial Relations in 2018 and is currently the Acting Deputy Director of Labor and Industrial Relations. Mr. Hoshijo also serves as a director or officer for various low income rental housing nonprofit corporations. He served as a member of the Labor Education Advisory Board of the University of Hawaii Center for Labor Education and Research, and is currently a director and officer for the Hawaii Labor Heritage Council.

Testifiers commented on how much of an asset Mr. Hoshijo is to the Department of Labor and Industrial Relations (Department). He has a firm working knowledge of the Department and has provided it with effective leadership in legislative, administrative, and programmatic areas. In his own testimony, Mr. Hoshijo stated that his desire to serve is in part to bring a perspective built in the course of direct, individual "grass roots" engagement with tens of thousands of Hawaii's workers and their families over the years, as well as to bring his unique perspective related to working with Hawaii's industries and government bodies. Mr. Hoshijo expressed that he is prepared to provide a continuity of approach to the Department, and looks forward to doing so.

Your Committee finds that Mr. Hoshijo's vast experience, intelligence, knowledge, skills, and commitment will continue to serve him well as the Deputy Director of Labor and Industrial Relations.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Chang).

# SCRep. 1730 Ways and Means on H.B. No. 330

The purpose and intent of this measure is to support youth suicide early intervention, prevention, and education initiatives in the Counties of Kauai, Hawaii, and Maui.

Your Committee received written comments in support of this measure from the Department of Education, Department of Health, Hawaii Family Forum, Hawaii State Teachers Association, Hawaii Youth Services Network, Parents and Children Together, Rainbow Family 808, Hawaii Pacific Health, and one individual.

Your Committee finds that due to the increased rates of youth suicide and attempts on the neighbor islands in comparison to the island of Oahu, it is necessary to support suicide intervention, prevention, and education initiatives on the neighbor islands.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 330, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Shimabukuro, Taniguchi).

# SCRep. 1731 Ways and Means on H.B. No. 812

The purpose and intent of this measure is to regulate the use of low-speed electric bicycles in the State.

More specifically, this measure:

- (1) Prohibits persons under the age of fifteen from operating a low-speed electric bicycle; and
- (2) Expands the statutory definitions of "bicycle" to include low-speed electric bicycles.

Your Committee received written comments in support of this measure from the County of Kauai, Hawaii Bicycling League, and one individual.

Your Committee finds that including low-speed electric bicycles in the statutory definitions of "bicycle" will help to clarify the regulatory requirements related to low-speed electric bicycles. Additionally, your Committee finds that establishing a minimum age to operate low-speed electric bicycles will promote the proper and safe use of these bicycles.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 812, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1732 Agriculture and Environment on H.B. No. 444

The purpose and intent of this measure is to require the Department of Health to adopt rules by January 1, 2021, for onsite non-potable water reuse systems.

Your Committee received testimony in support of this measure from the Department of Health; City and County of Honolulu Office of Climate Change, Sustainability and Resiliency; The Nature Conservancy Hawai'i; One World One Water; Ulupono Initiative; Hawai'i Community Foundation; Roth Ecological Design International, LLC; and two individuals. Your Committee received comments on this measure from the Honolulu Board of Water Supply and Laborers' International Union of North America, Local 368.

Your Committee finds that as an island state, Hawaii has limited access to natural fresh water and, unlike in other states, it is not economically feasible to ship in additional supplies when needed. Your Committee further finds that the use of recycled water for non-potable applications has proven safe and feasible. For example, onsite water reuse in high-rise and mid-rise developments has proven safe and feasible in New York, California, Japan, Australia, and other locations. Your Committee therefore finds that the use of recycled water generated onsite can potentially replace a large percentage of the future potable water demand in Hawaii.

Your Committee has amended this measure by:

- Requiring the Department of Health to evaluate and determine the best practical standards for the State to adopt for alternative, onsite non-potable water reuse systems, instead of directing the Department of Health to adopt rules to implement onsite non-potable water reuse systems;
- Requiring the Department of Health to submit a report to the Legislature with its evaluation findings and determination of standards to adopt by July 1, 2020;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Making it effective on July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the Department of Health organized a water reuse task force pursuant to House Concurrent Resolution No. 86, S.D. 1 (2018), with the purpose of identifying policies to help scale water reuse in the Hawaiian islands. The task force's groundwork has helped pave the way for water reuse policies in Hawaii, and your Committee encourages the Department of Health to review the task force's findings in evaluating and determining the best practical standards for onsite non-potable water reuse systems pursuant to this measure.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 444, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 444, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1733 Ways and Means on H.B. No. 120

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and to make the constitutionally-required findings that the bond issuance will not cause the state debt limit to be exceeded.

Your Committee received testimony in support of this measure from the Department of Budget and Finance.

Your Committee finds that in accordance with Article VII, section 13, of the State Constitution, the total amount of principal and interest, estimated for the general obligation bonds authorized under this measure and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 120, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 120, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

# SCRep. 1734 Ways and Means on H.B. No. 121

The purpose and intent of this measure is to abolish various non-general funds pursuant to the recommendation of the Auditor in Auditor's Report No. 18-21.

Specifically, this measure abolishes the following funds:

- (1) The Captain Cook memorial fund;
- (2) The custodial services special fund;
- (3) The donations for voter registration drive trust account; and
- (4) The information technology trust fund.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the funds addressed by this measure do not meet the criteria for a trust fund, special fund, or trust account, or serve the purposes for which they were created, and thus should be abolished.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 121, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

## SCRep. 1735 Ways and Means on H.B. No. 1193

The purpose and intent of this measure is to offset the cost of caring for dependents by increasing the dependent care tax credit.

Your Committee received testimony in support of this measure from the American Association of University Women of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work Hawaii, Hawaiian Community Assets, Americans for Democratic Action, Catholic Charities Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Children's Action Network, Early Childhood Action Strategy, and numerous individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure will increase the amount of the dependent care tax credit that working families in the State may claim, thereby reducing the economic burden of child and dependent care costs incurred by Hawaii's working families.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1193, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

#### SCRep. 1736 Ways and Means on H.B. No. 1413

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist E Ola Mau Na Leo O Kekaha with the acquisition, remediation, and development of the old Kekaha Sugar Mill in Kekaha, Kauai.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure will allow for the preservation of the old Kekaha Sugar Mill, an historic cultural site, and will assist the creation and development of diverse economic drivers on the west side of Kauai, including a smart farming enterprise, tourist and cultural center, community sunshine market, community greenhouse, and community manufacturing and incubator facility.

Your Committee has amended this measure by changing the effective date to July 1, 2035, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1413, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1413, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

# SCRep. 1737 Judiciary on H.B. No. 807

The purpose and intent of this measure is to amend the misdemeanor offense of unsworn falsification to authorities to include knowingly making a false statement to a state investigator or county inspector in certain circumstances.

Your Committee received testimony in support of this measure from the Honolulu City Council, HI Good Neighbor, and seventy-two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the enforcement of county ordinances and state agency rules is often undermined by a lack of consequences for failure to comply with enforcement efforts. Your Committee further finds that this difficulty in enforcement can result in the construction of large, multi-unit "monster homes" and the operation of vacation rentals without regard to building codes, zoning codes, and tax laws. This measure will assist enforcement efforts by including making false statements to state investigators or county inspectors in certain circumstances within the offense of unsworn falsification to authorities. This will help deter individuals from providing false information to state investigators and county inspectors.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 807, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 807, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1738 Judiciary on H.B. No. 316

The purpose and intent of this measure is to include vehicles valued at less than \$1,000 in the list of derelict vehicles that may be removed by a county or Hawaii Public Housing Authority.

Your Committee did not receive any testimony on this measure.

Your Committee finds that abandoned vehicles create a public health and traffic safety hazard if they are not removed and properly disposed. Your Committee further finds that existing requirements for deeming a vehicle to be derelict can prevent counties or the Hawaii Public Housing Authority from removing abandoned vehicles in a timely fashion. Your Committee further finds that having an objective dollar value alone determine the threshold of abandonment may have unintentional consequences. This may result in the removal of vehicles that have had parts removed but are still functional and are not, in fact, abandoned.

Accordingly, your Committee has amended this measure by clarifying that, as a prerequisite to determining if a vehicle is derelict, the removal of a part alone is not enough, and that the removal must render the vehicle inoperable.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 316, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 316, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1739 Judiciary on H.B. No. 295

The purpose and intent of this measure is to:

- Amend the definition of domestic abuse under Hawaii's insurance laws and domestic abuse protective order statutes to include emotional abuse between family or household members; and
- (2) Define emotional abuse.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Domestic Violence Action Center, Hawaii State Coalition Against Domestic Violence, Rainbow Family 808, Hawaii Psychological Association, and three individuals. Your Committee received testimony in opposition to this measure from the Institute for Rational and Evidence-Based Legislation, National Rifle Association, and three individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that domestic violence and abuse includes actions that are not physical. Your Committee further finds that emotional abuse and controlling behavior cause serious harm and that victims of such abuse frequently incur significant treatment expenses. This measure expands domestic abuse to include emotional abuse between family or household members for the purposes of insurance and protective orders.

Your Committee has amended this measure by:

- (1) Removing "regulating the person's everyday behavior" from the definition of "controlling behavior"; and
- (2) Clarifying that a "parent or guardian's legitimate attempt to discipline their child" is excluded from the definition of "emotional abuse".

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 295, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 295, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Gabbard). Noes, none. Excused, 1 (Fevella).

# SCRep. 1740 Judiciary on H.B. No. 200

The purpose and intent of this measure is to:

- Prohibit specified trolleys, pulleys, cables, or running lines designed to attach a dog to two stationary objects that endanger, or deny sustenance to, a dog; and
- (2) Provide an affirmative defense for tethering a dog under the age of six months under certain circumstances.

Your Committee received testimony in support of this measure from the Humane Society of the United States, West Hawaii Humane Society, Hawaiian Humane Society, and thirty-eight individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that constant and improper tethering or chaining puts the tethered or chained dogs' health and safety at risk. Your Committee further finds that vagueness in existing law makes it difficult for law enforcement officers to take action before an improperly tethered or chained dog has suffered serious injury or death. This measure establishes clear guidelines for dog owners and law enforcement officers for what constitutes proper tethering.

Your Committee has amended this measure by:

(1) Clarifying the preamble to more accurately reflect its intended purpose;

- Clarifying that trolley, pulley, cable, or running line tethers are prohibited if they are in a configuration that endangers a dog, including preventing the dog from obtaining necessary sustenance;
- (3) Removing the affirmative defense for tethering a dog under the age of six months under certain circumstances;
- (4) Specifying that tethering or restraining any dog using a tow or log chain if the size or weight of the tow or log chain inhibits the free movement of the dog is prohibited;
- Expanding the allowable uses of choke collars, pinch collars, or prong collars to activities supervised by a dog's owner or agent of the dog's owner; and
- Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 200, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 200, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# Ways and Means on S.C.R. No. 117

The purpose and intent of this measure is to request the Director of Taxation to convene a task force to determine if worldwide combined reporting, also known as "complete reporting," would be a more fair and effective form of calculating corporate taxation.

Your Committee received testimony in support of this measure from Oahu County Democrats.

Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that some large corporations that maintain a physical presence in Hawaii sell goods and services in the State, but reduce their tax exposure on those sales by shifting income to offshore subsidiaries and, thereby, put smaller companies who are entirely domestic at an unfair disadvantage.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 117 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki). Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

#### SCRep. 1742 Ways and Means on S.R. No. 87

The purpose and intent of this measure is to request the Director of Taxation to convene a task force to determine if worldwide combined reporting, also known as "complete reporting," would be a more fair and effective form of calculating corporate taxation.

Your Committee received testimony in opposition to this measure from the Council On State Taxation.

Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that some large corporations that maintain a physical presence in Hawaii sell goods and services in the State, but reduce their tax exposure on those sales by shifting income to offshore subsidiaries and, thereby, put smaller companies who are entirely domestic at an unfair disadvantage.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 87 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki). Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

#### (Joint) Hawaiian Affairs and Agriculture and Environment on S.C.R. No. 211 SCRep. 1743

The purpose and intent of this measure is to request that the City and County of Honolulu and Office of Hawaiian Affairs finalize memorandums of understanding with the Agribusiness Development Corporation for purposes of diversifying sources of irrigation.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Environmental Services. Your Committees received comments on this measure from the Office of Hawaiian Affairs and Agribusiness Development Corporation.

Your Committees find that recycled water is a quality source for irrigating agricultural lands and can be used for the irrigation of food crops. Your Committees further find that the State is working with the City and County of Honolulu and Office of Hawaiian Affairs to divert 1,600,000 gallons of R-1 water from the Wahiawa Wastewater Treatment Plant for local farmers to use for irrigation. Your Committees believe that diverting the R-1 water will support local food production, revitalize the Wahiawa Reservoir, and encourage economic development in Wahiawa town. Your Committees therefore find that this measure requests that the City and County of Honolulu and Office of Hawaiian Affairs finalize memorandums of understanding with the Agribusiness Development Corporation to divert R-1 water from the Wahiawa Wastewater Treatment Plant.

Your Committees have amended this measure by:

(1) Requesting that the Agribusiness Development Corporation finalize the route of its transmission line from the Wahiawa Wastewater Treatment Plant;

- Encouraging the Agribusiness Development Corporation and Office of Hawaiian Affairs to finalize easement discussions, if appropriate;
- (3) Removing language that would have requested that the Office of Hawaiian Affairs finalize a memorandum of understanding with the Agribusiness Development Corporation to provide the Agribusiness Development Corporation with an easement;
- (4) Updating the title; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 211, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 211, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

# SCRep. 1744 (Joint) Hawaiian Affairs and Agriculture and Environment on S.R. No. 170

The purpose and intent of this measure is to request that the City and County of Honolulu and Office of Hawaiian Affairs finalize memorandums of understanding with the Agribusiness Development Corporation for purposes of diversifying sources of irrigation.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Environmental Services. Your Committees received comments on this measure from the Office of Hawaiian Affairs and Agribusiness Development Corporation.

Your Committees find that recycled water is a quality source for irrigating agricultural lands and can be used for the irrigation of food crops. Your Committees further find that the State is working with the City and County of Honolulu and Office of Hawaiian Affairs to divert 1,600,000 gallons of R-1 water from the Wahiawa Wastewater Treatment Plant for local farmers to use for irrigation. Your Committees believe that diverting the R-1 water will support local food production, revitalize the Wahiawa Reservoir, and encourage economic development in Wahiawa town. Your Committees therefore find that this measure requests that the City and County of Honolulu and Office of Hawaiian Affairs finalize memorandums of understanding with the Agribusiness Development Corporation to divert R-1 water from the Wahiawa Wastewater Treatment Plant.

Your Committees have amended this measure by:

- Requesting that the Agribusiness Development Corporation finalize the route of its transmission line from the Wahiawa Wastewater Treatment Plant;
- (2) Encouraging the Agribusiness Development Corporation and Office of Hawaiian Affairs to finalize easement discussions, if appropriate;
- (3) Removing language that would have requested that the Office of Hawaiian Affairs finalize a memorandum of understanding with the Agribusiness Development Corporation to provide the Agribusiness Development Corporation with an easement;
- (4) Updating the title; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 170, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 170, S.D. 1.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Fevella). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

# SCRep. 1745 (Joint) Hawaiian Affairs and Commerce, Consumer Protection, and Health on S.C.R. No. 103

The purpose and intent of this measure is to urge the inclusion of Native Hawaiian cultural intervention treatment programs, wellness plans, and holistic living systems of care in the State's response to the rise of misuse and abuse of opioids or illicit substances in Hawaii.

Your Committees received testimony in support of this measure from the Department of Health, Office of Hawaiian Affairs, Ali'i Pauahi Hawaiian Civic Club, Living Life Source Foundation, Council for Native Hawaiian Advancement, Papa Ola Lōkahi, Drug Policy Forum of Hawaii, a petition signed by over sixty-five individuals, and eight individuals.

Your Committees find that substance misuse and substance use disorders cost the United States more than \$442,000,000,000 annually in crime, health care, and lost productivity. Studies show that risk factors, such as poverty, personal trauma, and cultural trauma, tend to be associated with increased rates of substance abuse. Your Committees further find that the Department of Health Alcohol and Drug Abuse Division has received national and international recognition in integrating holistic treatment systems, including those that support Native Hawaiian cultural programs. However, the Hawaii State Opioid Action Plan does not include cultural treatment programs as a primary focus, and the State's Opioid Initiative membership does not include advocates for Native Hawaiians and Native Hawaiian programs. Your Committees therefore find that this measure urges the inclusion of Native Hawaiian cultural intervention treatment programs, wellness plans, and holistic living systems of care in the State's response to the rise of misuse and abuse of opioid or illicit substances in Hawaii.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 103 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella). Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Fevella).

#### SCRep. 1746 (Joint) Hawaiian Affairs and Judiciary on S.C.R. No. 204

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian intellectual property task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committees received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee and two individuals. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find the Native Hawaiian people's collective intellectual property rights are based upon the traditional, cultural knowledge developed over thousands of years and passed down from generation to generation and includes ka 'ōlelo Hawai'i, hula, mele, mo'olelo, lei making, kapa making, kākau, weaving, feather work, carving, and wayfinding. However, your Committees find the western intellectual property system was developed to protect the rights of creators and inventors and was not developed to protect the rights of indigenous peoples to their collective, traditional knowledge, cultural expressions, and art forms. Other indigenous peoples have developed strategies and sui generis legal frameworks or systems to protect their collective intellectual property rights and knowledge, including the Indian Arts and Crafts Board and the Toi Iho registered trademark for Maori art and artists. Your Committees find that this measure urges the establishment of a task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 204 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella). Judiciary: Ayes, 4. Noes, none. Excused, 1 (Kim).

#### SCRep. 1747 (Joint) Hawaiian Affairs and Judiciary on S.R. No. 164

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian intellectual property task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committees received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee, Ho'omanapono Political Action Committee, and one individual. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Your Committees find the Native Hawaiian people's collective intellectual property rights are based upon the traditional, cultural knowledge developed over thousands of years and passed down from generation to generation and includes ka 'ōlelo Hawai'i, hula, mele, mo'olelo, lei making, kapa making, kākau, weaving, feather work, carving, and wayfinding. However, your Committees find the western intellectual property system was developed to protect the rights of creators and inventors and was not developed to protect the rights of indigenous peoples to their collective, traditional knowledge, cultural expressions, and art forms. Other indigenous peoples have developed strategies and sui generis legal frameworks or systems to protect their collective intellectual property rights and knowledge, including the Indian Arts and Crafts Board and the Toi Iho registered trademark for Maori art and artists. Your Committees find that this measure urges the establishment of a task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 164 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella). Judiciary: Ayes, 4. Noes, none. Excused, 1 (Kim).

# SCRep. 1748 Transportation on S.C.R. No. 133

The purpose and intent of this measure is to request the Department of Transportation, in consultation with various public and private stakeholders to conduct a study on the need for and feasibility of a ferry service between Aloha Tower Marketplace and Sand Island State Recreation Area.

Prior to the hearing on this measure, your Committee made available for public review a proposed S.D. 1, which deletes its contents and inserts language:

- (1) Requesting the Harbors Division of the Department of Transportation to:
  - (A) Inform the maritime community about its heavy weather and hurricane plan and assist the maritime community in fulfilling the necessary procedures to submit a complete application for a heavy weather and hurricane plan;
  - (B) Conduct informational meetings on the islands of Hawaii, Kauai, Maui, and Oahu regarding the necessary procedures to be taken in preparation of a storm; and

- (C) Submit to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020, a list of vessels that have submitted a maritime heavy weather and hurricane plan application; and
- (2) Changing its title in accordance with its amended purpose.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation, Calypso Charters, Passenger Vessel Association, and PacWhale Eco Adventures.

Your Committee finds that the State's well-being is dependent on the efficient administration, development, management, and operation of its ten commercial harbors and commercial maritime infrastructure. Hawaii's isolated island geography emphasizes the significance of ocean cargo transport as the lifeline and only viable means to serve and support every facet of the local economy. Your Committee further finds that being able to return the commercial harbors to normal operating conditions after a storm is vital to the survival of the community and critical in any storm recovery. Your Committee believes that it is important to ensure the protection of all crucial harbor facilities, while also guaranteeing the safety of all during abnormal weather conditions.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 133, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 133, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1749 Transportation on S.R. No. 102

The purpose and intent of this measure is to request the Department of Transportation, in consultation with various public and private stakeholders to conduct a study on the need for and feasibility of a ferry service between Aloha Tower Marketplace and Sand Island State Recreation Area.

Prior to the hearing on this measure, your Committee made available for public review a proposed S.D. 1, which deletes its contents and inserts language:

- (1) Requesting the Harbors Division of the Department of Transportation to:
  - (A) Inform the maritime community about its heavy weather and hurricane plan and assist the maritime community in fulfilling the necessary procedures to submit a complete application for a heavy weather and hurricane plan;
  - (B) Conduct informational meetings on the islands of Hawaii, Kauai, Maui, and Oahu regarding the necessary procedures to be taken in preparation of a storm; and
  - (C) Submit to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020, a list of vessels that have submitted a maritime heavy weather and hurricane plan application; and
- (2) Changing its title in accordance with its amended purpose.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation, PacWhale Eco Adventures, and one individual.

Your Committee finds that the State's well-being is dependent on the efficient administration, development, management, and operation of its ten commercial harbors and commercial maritime infrastructure. Hawaii's isolated island geography emphasizes the significance of ocean cargo transport as the lifeline and only viable means to serve and support every facet of the local economy. Your Committee further finds that being able to return the commercial harbors to normal operating conditions after a storm is vital to the survival of the community and critical in any storm recovery. Your Committee believes that it is important to ensure the protection of all crucial harbor facilities, while also guaranteeing the safety of all during abnormal weather conditions.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 102, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 102, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 1750 (Joint) Commerce, Consumer Protection, and Health and Human Services and Education on S.C.R. No. 99

The purpose and intent of this measure is to request the Department of Health, Department of Human Services, and Department of Education to convene an interdepartmental working group to address the lack of consolidated, consistent health screening programs in public schools for children in the State.

Your Committees received testimony in support of this measure from the Department of Education, Department of Human Services, University of Hawai'i System, Project Vision Hawai'i, and one individual. Your Committees received comments on this measure from the Legislative Reference Bureau.

Your Committees find that chronic absenteeism, poor health, and delayed or limited access to health care and preventive health services continue to hinder students' academic success. A significant gap in the current Hawaii health care system exists for effective awareness, diagnosis, and treatment of common health conditions for school-aged children, such as vision, oral, or behavioral health issues. School based health programs and services provided to public school children through a network of school-community

partnerships are an effective means to screen school aged children for common health issues and achieve better health outcomes for Hawaii's public school students. The Departments of Health and Human Services have already identified the extent of services provided within each department that are targeted to public school children and the need to coordinate internal departmental activity and cross-departmental efforts to develop sustainable school based health services, and your Committees find that this measure continues these efforts.

Your Committees have amended this measure by:

- (1) Specifying that the Department of Health is requested to convene the working group;
- (2) Amending the membership of the working group to include the Hawaii Lions Foundation;
- (3) Clarifying that the Legislative Reference Bureau is requested to assist only with finalizing the working group's report and drafting proposed legislation;
- (4) Requesting the working group to submit its draft report to the Legislative Reference Bureau no later than September 1, 2019;
- (5) Amending its title to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health, Human Services, and Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 99, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 99, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 1751 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.C.R. No. 38

The purpose and intent of this measure is to urge restaurants to donate any leftover food to homeless shelters at the end of their business day.

Your Committees received testimony in support of this measure from the Hawai'i Restaurant Association and four individuals. Your Committees received testimony in opposition to this measure from the Department of Health.

Your Committees find that a single restaurant in the United States wastes thousands of pounds of food a year. At the same time, food waste is a serious environmental problem and many of Hawaii's food drives need food donations to feed the needy. Your Committees further find that lack of knowledge on how to donate food safely and fear of being held liable for any health problems that result from donated food may make some restaurants unwilling to donate.

Your Committees have amended this measure by:

- Updating the findings to note that since certain procedures must be followed for temperature controlled for safety foods, guidelines would help encourage compliance and food donation;
- (2) Requesting the Department of Health to develop general guidelines on best practices for safely donating temperature controlled for safety foods and disseminate these guidelines to the Hawaii Restaurant Association and appropriate Department of Health permit holders;
- (3) Requesting the Department of Health to submit a progress report on the guideline creation and dissemination prior to the Regular Session of 2020;
- (4) Updating the title to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 38, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 38, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Fevella).

Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1752 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.R. No. 26

The purpose and intent of this measure is to urge restaurants to donate any leftover food to homeless shelters at the end of their business day.

Your Committees received testimony in support of this measure from the Hawai'i Restaurant Association.

Your Committees find that a single restaurant in the United States wastes thousands of pounds of food a year. At the same time, food waste is a serious environmental problem and many of Hawaii's food drives need food donations to feed the needy. Your Committees further find that lack of knowledge on how to donate food safely and fear of being held liable for any health problems that result from donated food may make some restaurants unwilling to donate.

Your Committees have amended this measure by:

- (1) Updating the findings to note that since certain procedures must be followed for temperature controlled for safety foods, guidelines would help encourage compliance and food donation;
- (2) Requesting the Department of Health to develop general guidelines on best practices for safely donating temperature controlled for safety foods and disseminate these guidelines to the Hawaii Restaurant Association and appropriate Department of Health permit holders;
- (3) Requesting the Department of Health to submit a progress report on the guideline creation and dissemination prior to the Regular Session of 2020;
- (4) Updating the title to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 26, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 26, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Fevella).

Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1753 Labor, Culture and the Arts on S.C.R. No. 47

The purpose and intent of this measure is to recognize Volunteer Week in Hawaii.

Your Committee received testimony in support of this measure from Kanu Hawaii, Impact Hub HNL, Hawaii Foodbank, Olelo Community Media, and three individuals.

Your Committee finds that President Richard Nixon issued Presidential Proclamation 4288 in 1974, designating the first National Volunteer Week to recognize and encourage people to engage in their community through volunteer service. This measure recognizes Volunteer Week in Hawaii in conjunction with the observance of National Volunteer Week.

Your Committee has amended this measure by clarifying that the Legislature rather than just the Senate recognizes Volunteer Week in Hawaii.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 47, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 47, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1754 Labor, Culture and the Arts on S.R. No. 33

The purpose and intent of this measure is to recognize Volunteer Week in Hawaii.

Your Committee received testimony in support of this measure from Kanu Hawaii and Hawaii Foodbank.

Your Committee finds that President Richard Nixon issued Presidential Proclamation 4288 in 1974, designating the first National Volunteer Week to recognize and encourage people to engage in their community through volunteer service. This measure recognizes Volunteer Week in Hawaii in conjunction with the observance of National Volunteer Week.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 33, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 33, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1755 (Joint) Labor, Culture and the Arts and Agriculture and Environment on S.C.R. No. 134

The purpose and intent of this measure is to request the Department of Labor and Industrial Relations, in collaboration with the Department of Agriculture, to submit a report determining a living wage standard for agricultural workers living in the State.

Your Committees received testimony in support of this measure from the Hawaii Farmers Union, Hawaii Farmers Union United, Lokoea Farms, Maui Farmers Union United, and fourteen individuals. Your Committees received testimony in opposition to this measure from Shrimp Improvement Systems, LLC. Your Committees received comments on this measure from the Department of Labor and Industrial Relations, Department of Agriculture, and Society for Human Resources Management Hawaii.

Your Committees find that a "living wage" is defined as a wage sufficient to provide the necessities and comforts essential to an acceptable standard of living. Your Committees further find that agricultural workers employed in the State earn wages less than other states and their wages are below living wage standards. According to the Massachusetts Institute of Technology, an hourly wage of \$15.73 is considered livable in the State of Hawaii. The shortage of agricultural workers has posed a significant challenge to the Governor's Sustainable Hawaii Initiative, which plans on doubling local food production by 2020 and additionally, in the long term, to locally produce twenty percent of food by 2050 under the 2050 Sustainability Plan. Increasing the wages earned by agricultural workers will incentivize individuals to pursue an occupation in the agricultural workforce. Competitive wages in the agriculture sector

will contribute in the retention of skilled individuals. Determining the living wage standard for agricultural workers living in the State will assist with any decision-making on increasing the wages for agricultural workers and attracting a new generation of agricultural workers in the State.

Your Committees have amended this measure by:

- (1) Including the Department of Business, Economic Development, and Tourism as one of the agencies the Department of Labor and Industrial Relations shall collaborate with in determining a living wage standard for agricultural workers living in the State; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 134, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 134, S.D. 1.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Chang). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

# SCRep. 1756 (Joint) Labor, Culture and the Arts and Agriculture and Environment on S.R. No. 103

The purpose and intent of this measure is to request the Department of Labor and Industrial Relations, in collaboration with the Department of Agriculture, to submit a report determining a living wage standard for agricultural workers living in the State.

Your Committees received testimony in support of this measure from two individuals. Your Committees received testimony in opposition to this measure from Shrimp Improvement Systems, LLC. Your Committees received comments on this measure from the Department of Labor and Industrial Relations and Society for Human Resources Management Hawaii.

Your Committees find that a "living wage" is defined as a wage sufficient to provide the necessities and comforts essential to an acceptable standard of living. Your Committees further find that agricultural workers employed in the State earn wages less than other states and their wages are below living wage standards. According to the Massachusetts Institute of Technology, an hourly wage of \$15.73 is considered livable in the State of Hawaii. The shortage of agricultural workers has posed a significant challenge to the Governor's Sustainable Hawai'i Initiative, which plans on doubling local food production by 2020 and additionally, in the long term, to locally produce twenty percent of food by 2050 under the 2050 Sustainability Plan. Increasing the wages earned by agricultural workers will incentivize individuals to pursue an occupation in the agricultural workforce. Competitive wages in the agriculture sector will contribute in the retention of skilled individuals. Determining the living wage standard for agricultural workers living in the State will assist with any decision-making on increasing the wages for agricultural workers and attracting a new generation of agricultural workers in the State.

Your Committees have amended this measure by:

- (1) Including the Department of Business, Economic Development, and Tourism as one of the agencies the Department of Labor and Industrial Relations shall collaborate with in determining a living wage standard for agricultural workers living in the State; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 103, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 103, S.D. 1.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Chang). Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

# SCRep. 1757 Labor, Culture and the Arts on S.C.R. No. 161

The purpose and intent of this measure is to:

- (1) Recognize the fiftieth anniversary of the Apollo 11 lunar landing at Tranquility Base by designating July 20, 2019, as "Tranquility Base Day" in Hawaii; and
- (2) Urge the United Nations Educational, Scientific and Cultural Organization (UNESCO) to include Tranquility Base and associated artifacts on the UNESCO World Heritage List.

Your Committee received testimony in support of this measure from the Office of Aerospace Development, University of Hawai'i System, and Pacific International Space Center for Exploration.

Your Committee finds that the Apollo 11 lunar landing is one of the most significant technological advancements in history, representing the first time a human stepped foot on another celestial surface. The first human landing at Tranquility Base represented the combined efforts and contributions of thousands of scientists, engineers, and researchers from many nations and states, including Hawaii. Hawaii's important role in the Apollo program is represented by numerous facilities and programs statewide, support of the recovery of the astronauts and the command module spacecraft returning from the moon, and Hawaii's unique geological landscape that was essential for the training of the Apollo 11 astronauts. The legacy of the Apollo 11 mission and Hawaii's contributions are worthy of recognition and will inspire the next generation of space scientists, engineers, and researchers who will pioneer the future frontiers of space.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 161 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 1758 Labor, Culture and the Arts on S.R. No. 127

The purpose and intent of this measure is to:

- (1) Recognize the fiftieth anniversary of the Apollo 11 lunar landing at Tranquility Base by designating July 20, 2019, as "Tranquility Base Day" in Hawaii; and
- (2) Urge the United Nations Educational, Scientific and Cultural Organization (UNESCO) to include Tranquility Base and associated artifacts on the UNESCO World Heritage List.

Your Committee received testimony in support of this measure from the Office of Aerospace Development, University of Hawai'i System, and Pacific International Space Center for Exploration.

Your Committee finds that the Apollo 11 lunar landing is one of the most significant technological advancements in history, representing the first time a human stepped foot on another celestial surface. The first human landing at Tranquility Base represented the combined efforts and contributions of thousands of scientists, engineers, and researchers from many nations and states, including Hawaii. Hawaii's important role in the Apollo program is represented by numerous facilities and programs statewide, support of the recovery of the astronauts and the command module spacecraft returning from the moon, and Hawaii's unique geological landscape that was essential for the training of the Apollo 11 astronauts. The legacy of the Apollo 11 mission and Hawaii's contributions are worthy of recognition and will inspire the next generation of space scientists, engineers, and researchers who will pioneer the future frontiers of space.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 127 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1759 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 584

Recommending that the Senate advise and consent to the nomination of the following:

## CRIME VICTIM COMPENSATION COMMISSION

G.M. No. 584 CLIFTON CHOY, for a term to expire 06-30-2023

Your Committee reviewed the resume submitted by Clifton Choy for service on the Crime Victim Compensation Commission.

Your Committee received testimony in support of the nomination for the appointment of Clifton Choy from the Department of Public Safety, Crime Victim Compensation Commission, and two individuals.

Your Committee finds that Mr. Choy earned his Bachelor of Arts in sociology from Chaminade University. Mr. Choy's educational training also includes post-graduate courses in social work at the University of Hawaii, and multiple trainings, workshops, and conferences related to crime victim services.

Mr. Choy has twenty-eight years of experience working with victims and their families through the City and County of Honolulu Department of the Prosecuting Attorney, Victim Witness Assistance Division. Mr. Choy started as a Victim Witness Advocate and worked his way up to become a Victim Advocate Supervisor. He has worked with victims in every branch of Victim Witness Kokua Services, including misdemeanors and felony cases. Mr. Choy has made a positive difference in the lives of many victims by assisting and guiding them as their cases moved through the criminal justice system.

Your Committee further finds that Mr. Choy is well-qualified to serve on the Crime Victim Compensation Commission and his background and past experiences will be invaluable to the Commission's efforts to provide equitable and efficient services to Hawaii's violent-crime victims.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

# SCRep. 1760 Labor, Culture and the Arts on Gov. Msg. No. 641

Recommending that the Senate advise and consent to the nomination of the following:

# HAWAI'I WORKFORCE DEVELOPMENT COUNCIL

G.M. No. 641 EDWARD RICHARDSON, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Major General Edward Richardson for service on the Hawai'i Workforce Development Council.

Your Committee received testimony in support of the nomination for the reappointment of Major General Richardson from the Workforce Development Council, Chamber of Commerce Hawaii, and one individual.

Your Committee finds that Major General Richardson served as the Adjutant General of the State of Hawaii, Military Commander of the Hawaii Army and Air National Guard, and Director of the State Civil Defense. Your Committee notes that Major General Richardson served on the Hawaiii Workforce Development Council and was an active member of the Board, having served as Chair of the Military and Veteran Affairs Committee and member of the Executive Committee. The Military and Veteran Affairs Committee has been focused on discussing ways to develop a transition program for outgoing veterans so that they can more smoothly move into Hawaii's workforce. According to his own testimony, Major General Richardson believes that he can help the Hawaii's Workforce Development Council work collaboratively with the Chamber of Commerce Hawaii's Military Affairs Council and transition offices from various services to support veterans and find them suitable employment. Based on his leadership skills, knowledge, experience, military background, and commitment to public service and veterans, your Committee finds that Major General Richardson will continue to be an asset to the Hawai'i Workforce Development Council.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1761 Labor, Culture and the Arts on Gov. Msg. No. 648

Recommending that the Senate advise and consent to the nomination of the following:

## HOISTING MACHINE OPERATORS ADVISORY BOARD

G.M. No. 648 JOHN MIHLBAUER, JR., for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by John Mihlbauer, Jr., for service on the Hoisting Machine Operators Advisory Board.

Your Committee did not receive any testimony on this nomination for reappointment.

Your Committee finds that Mr. Mihlbauer, Jr., has over thirty years of experience as a licensed mechanical engineer. Mr. Mihlbauer, Jr., currently is the President, Owner, and Principal Surveyor of All Ship & Cargo Surveys, Ltd., a marine survey business that has conducted over four thousand crane inspections. Previously, Mr. Mihlbauer, Jr., was a United States Army Corps of Engineers Program Manager, responsible for planning and programming design and construction projects to support the Marshall Islands and the Pacific. Mr. Mihlbauer, Jr., serves the community as a Sub-Committee Chair of the American Society of Mechanical Engineers (ASME) B30.24 Standards Committee, Container Cranes, and Sub-Committee member of ASME B30.8 Standards Committee, Floating Cranes and Derricks. Your Committee further finds that Mr. Mihlbauer, Jr.'s experience in conducting inspections of cranes, as well as his proven leadership, continue to be assets to the Hoisting Machine Operators Advisory Board.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1762 Labor, Culture and the Arts on Gov. Msg. No. 670

Recommending that the Senate advise and consent to the nomination of the following:

# STATE FOUNDATION ON CULTURE AND THE ARTS COMMISSION

G.M. No. 670 LLOYD UNEBASAMI, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Lloyd Unebasami for service on the State Foundation on Culture and the Arts Commission.

Your Committee received testimony in support of the nomination for the appointment of Mr. Unebasami from the State Foundation on Culture and the Arts.

Your Committee finds that Mr. Unebasami has over twenty-five years of experience in Hawaii's government administration and finance, serving as Director of Finance for the Research Corporation for the University of Hawaii; Interim President, Chief Executive Officer, and Chief Administrative Officer for the Hawaii Tourism Authority; Administrator for the State Procurement Office; Deputy Comptroller for the Department of Accounting and General Services; Deputy Director for the Department of Taxation; and Administrative Services Officer for the Hawaii Community Development Authority. Mr. Unebasami has enjoyed music throughout his life and participated in many of Hawaii's most distinguished school bands and music programs, including the Hawaii Youth Symphony and the University of Hawaii band. Your Committee finds that Mr. Unebasami's experience and passion for the arts will be great assets to the State Foundation on Culture and the Arts Commission.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1763 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 567 and 568

Recommending that the Senate advise and consent to the nominations of the following:

## REENTRY COMMISSION

G.M. No. 567 NORIKO NAMIKI, for a term to expire 06-30-2019; and

G.M. No. 568 NORIKO NAMIKI, for a term to expire 06-30-2023

Your Committee reviewed the resume submitted by Noriko Namiki for service on the Reentry Commission.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Noriko Namiki from the Department of Public Safety, Office of Hawaiian Affairs, and two individuals.

Ms. Namiki earned her Master's in Social Work from Columbia University and her Bachelor of Arts in Communications from Chaminade University. Ms. Namiki's educational training also includes participating in the Weinberg Fellows Program in Honolulu and the Stanford Executive Program in Social Entrepreneurship in California.

Ms. Namiki currently serves as the Chief Executive Officer of YWCA Oʻahu where she manages over one hundred fifty employees and volunteers and oversees the organization's financials, including an annual budget of \$4,600,000. Ms. Namiki's previous employment includes serving as the Chief Communications Officer of YWCA Oʻahu and as an ABC News Producer for Honolulu and Tokyo. Ms. Namiki has also served as a volunteer for multiple organizations and is a member of the Honolulu Japanese Chamber of Commerce and the Organization of Women Leaders Honolulu, among other organizations.

Your Committee further finds that Ms. Namiki's education and past experiences, in the field of social work and in the non-profit sector in particular, make her well-qualified to serve on the Reentry Commission.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

#### SCRep. 1764 Ways and Means on H.B. No. 618

The purpose and intent of this measure is to establish a repair and maintenance special fund within the Department of Budget and Finance and appropriate funds therefor to fund the repair and maintenance of various department facilities.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that the State has deferred maintenance needs that will cost billions of dollars. A special fund dedicated to repair and maintenance that cannot be expended for salaries, cost adjustments, and other costs, will help to ensure that the repair and maintenance of the State's facilities are more adequately funded.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 618, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

## SCRep. 1765 Ways and Means on H.B. No. 158

The purpose and intent of this measure is to specify requirements for contractors and subcontractors to pay laborers and mechanics employed for government service contracts.

Specifically, with regard to contracts to perform services in excess of \$25,000 for any governmental agency, this measure:

- (1) Requires that mechanics and laborers be paid unconditionally and not less than once per week without deduction or rebate;
- (2) Requires that contractors provide laborers and mechanics with the rates of wages, except for where there is a collective bargaining agreement;
- Authorizes governmental contracting agencies to withhold payments from contractors for amounts owed to laborers and mechanics;
- (4) Requires that certified copies of payrolls be submitted weekly to the governmental contracting agency for review;
- (5) Subjects the contractor to penalties for failure to comply with the statute; and
- (6) Establishes administration and enforcement provisions for the certification of payrolls.

Your Committee received written comments in support of this measure from the Hawaii Laborers-Employers Cooperation and Education Trust; Pacific Resource Partnership; Hawaii Regional Council of Carpenters; Landscape Association of Hawaii; Hawaii Construction Alliance; and Hawaii Laborer's Union, Local 368.

Your Committee received comments on this measure from the Department of Accounting and General Services and Department of Labor and Industrial Relations.

Your Committee finds this measure establishes safeguards to ensure that certain workers on government service contracts will be properly paid for their work under the contract.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the contractor or subcontractor fully pay mechanic and laborers once per week and without deduction or rebate:
- (2) Requiring that any payroll certification discrepancy be reported to the agency director instead of the Director of Labor and Industrial Relations;
- (3) Deleting the requirement that the contractor make payroll records available for examination to the Director of Labor and Industrial Relations, but retaining provisions that the records be made available to a governmental contracting agency or authorized representative thereof;
- (4) Deleting provisions that impose a penalty on a contractor who fails to comply with the requirements of the section;
- (5) Requiring that, for contracts for services performed by laborers and mechanics, the governmental contracting agency pay or take certain actions to cause the contractor to pay laborers and mechanics; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 158, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 158, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1766 Ways and Means on H.B. No. 532

The purpose and intent of this measure is to establish the Chief Data Officer position and Data Task Force within the Office of Enterprise Technology Services to facilitate the sharing of data across state agencies.

Your Committee received written comments in support of this measure from the Department of Education, Department of Labor and Industrial Relations, Office of Information Practices, Office of Enterprise Technology Services, Ulupono Initiative, Civil Beat Law Center for the Public Interest, Transform Hawaii Government, and Oahu County Democrats Legislative Priorities Committee.

Your Committee finds that establishing a single position responsible for statewide data management and a task force to establish data policies will help to standardize the sharing of data among agencies, increase government transparency, and promote data-driven government policies.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 532, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 532, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1767 Ways and Means on H.B. No. 1319

The purpose and intent of this measure is to authorize the Department of Budget and Finance to issue special purpose revenue bonds for the purpose of assisting Hawaiian Electric Company, Inc., including its subsidiaries Maui Electric Company, Limited, and Hawaii Electric Light Company, Inc., for capital improvement projects.

Your Committee received written comments in support of this measure from Hawaiian Electric Company, Inc., and Ulupono Initiative.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that assisting the Hawaiian Electric Company's efforts to finance multi-project capital improvement projects will facilitate the production, storage, and provision of renewable energy in the State.

Your Committee has amended this measure by:

- (1) Changing the special purpose revenue bond authorization amount to an unspecified sum;
- (2) Changing the distribution amounts of the special purpose revenue bonds issued pursuant to this measure to unspecified sums;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1319, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1319, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro)

#### SCRep. 1768 Commerce, Consumer Protection, and Health on H.B. No. 764

The purpose and intent of this measure is to clarify that the requirement for a motor vehicle insurer to maintain a complete sales and claims service office does not apply to the County of Kalawao.

Your Committee received testimony in support of this measure from the Hawaii Insurers Council and State Farm Insurance Company.

Your Committee finds that under existing law, motor vehicle insurers must maintain a "brick and mortar" sales and claims service office in the State, although licensed producers of motor vehicle insurers are able to satisfy this requirement by establishing and maintaining a sales and claims office in every county in which the insurer does business. However, when this exception to the complete sales and claims office requirement was passed, the County of Kalawao was not excluded. Your Committee notes that the County of Kalawao is the smallest county in the country. There are no driver's licenses issued by the county and, due to the limited number of vehicles, no insurance agent offices. Requiring a sales and claims agent in the County of Kalawao is therefore an unnecessary expense with no benefit. Accordingly, this measure excludes the County of Kalawao from the complete sales and claims office requirement and the county office exception under the State's motor vehicle insurance code.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 764, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

#### SCRep. 1769 Ways and Means on H.B. No. 114

The purpose and intent of this measure is to repeal section 235-103, Hawaii Revised Statutes, which pertains to income tax law and is redundant to provisions of section 231-3.1, Hawaii Revised Statutes, and thus unnecessary.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that section 235-103, Hawaii Revised Statutes, which allows the Department of Taxation to determine the tax due on transactions for goods sold at less than fair market value, is redundant because section 231-3.1, Hawaii Revised Statutes, provides that consideration paid is not indicative of fair market value and applies to all taxes.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 114, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

#### SCRep. 1770 Ways and Means on H.B. No. 122

The purpose and intent of this measure is to abolish the juvenile accountability block grant trust fund as recommended by the Auditor in Auditor's Report No. 18-11.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the juvenile accountability block grant trust fund no longer serves the purpose for which it was created and thus should be abolished.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 122, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

# SCRep. 1771 (Majority) Ways and Means on H.B. No. 1394

The purpose and intent of this measure is to authorize any county with a population equal to or less than five hundred thousand that adopts a county surcharge on state tax ordinance to expend the surcharge revenues to address infrastructure and public safety needs.

Your Committee received testimony in support of this measure from the County of Hawaii, Office of the Mayor of the County of Hawaii, Hawaii County Council, Office of the Mayor of the County of Kauai, and Building Industry Association of Hawaii.

Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS.

Your Committee received comments on this measure from the League of Women Voters of Hawaii and Tax Foundation of Hawaii.

Your Committee finds that this measure would provide more flexibility to counties with smaller populations in the use of revenues generated from their surcharges on the state general excise tax and use tax.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1394, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1394, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, 2 (Moriwaki, Riviere). Excused, 1 (Shimabukuro).

#### SCRep. 1772 Commerce, Consumer Protection, and Health on H.B. No. 898

The purpose and intent of this measure is to abolish the Board of Health.

Your Committee received testimony in support of this measure from Department of Health.

Your Committee finds that the Board of Health was established to be an advisory board for the Director of Health. However, the Board's role has been made redundant by the evolution of state and federal regulations, community standards of practice, grant guidance, and legislative oversight. Your Committee notes that the Board of Health has been vacant for the past several years. Your Committee further finds that abolishing the Board of Health would more accurately reflect the reality of decision making at the Department of Health and would reduce the administrative burden on the Department.

Your Committee has amended this measure by:

- (1) Inserting a purpose section; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 898, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 898, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Thielen). Noes, none. Excused, 1 (Fevella).

## SCRep. 1773 Commerce, Consumer Protection, and Health on H.B. No. 252

The purpose and intent of this measure is to establish a provisional license for speech pathologists.

Your Committee received testimony in support of this measure from the Board of Speech Pathology and Audiology, Healthcare Association of Hawaii, Hawaii Speech-Language-Hearing Association, and fifteen individuals.

Your Committee finds that Hawaii is experiencing a shortage of speech-language pathologists and is one of the few states that do not provide a provisional license to clinical fellows who are transitioning from speech-language pathology students to providers. Provisional licenses are important because speech-language pathologists must complete a clinical fellowship for one year to obtain their Certificate of Clinical Competence. Without a provisional license, speech-language pathology fellows cannot bill Medicare and some other insurance providers for patient services provided under direct supervision of a licensed speech-language pathologist. This results in fewer Hawaii-based opportunities for fellows, who then often go to the mainland for their training. This measure will provide more opportunities in Hawaii for speech-language pathology students to get training and help increase access to needed services.

Your Committee has amended this measure by:

- (1) Clarifying that a licensed speech pathologist must be in good standing with the Board of Speech Pathology and Audiology as a requirement to supervise a provisional licensee; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 252, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 252, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Thielen).

# SCRep. 1774 Commerce, Consumer Protection, and Health on H.B. No. 273

The purpose and intent of this measure is to establish an exemption for insurers from the required annual privacy notice to customers under certain circumstances.

Your Committee received testimony in support of this measure from the Hawaii Medical Service Association, Kaiser Permanente Hawaii, American Property Casualty Insurance Association, American Council of Life Insurers, and National Association of Mutual Insurance Companies. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and State Farm Mutual Automobile Insurance Company.

Your Committee finds that existing law requires an insurer to send annual privacy notice updates to all of its customers in accordance with the federal Gramm-Leach-Bliley Act (GLBA). In 2015, President Obama signed the Fixing America's Surface Transportation Act (FAST Act), which included amendments to the privacy provisions of the GLBA and eliminated the costly and time consuming requirement of the redundant annual privacy notices under certain conditions. So far, at least thirty-two states have adopted provisions under the FAST Act to allow insurers relief from the annual privacy notice requirement. This measure enacts provisions of the FAST Act to remove the annual requirement if an insurer meets certain conditions. This measure also benefits the environment by reducing the number of redundant consumer notices and saves regulators time and effort reviewing and approving superfluous consumer notices.

Your Committee has amended this measure by:

(1) Inserting an effective date of July 1, 2019; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 273, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 273, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

#### SCRep. 1775 Commerce, Consumer Protection, and Health on H.B. No. 154

The purpose and intent of this measure is to:

- (1) Specify that the regulation of motor vehicle service contracts does not apply to agreements issued by automobile clubs; and
- (2) Clarify that the allowable scope of motor vehicle service contracts regulated by the Insurance Commissioner includes contracts for certain motor vehicle repair and replacement services.

Your Committee received testimony in support of this measure from the Motor Vehicle Protection Products Association. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs. Your Committee received comments on this measure from AAA Hawai'i.

Your Committee finds that service contracts offer consumers benefits not covered under traditional automobile insurance policies or that usually cost less than common automobile insurance policy deductibles. This measure specifies that the regulation of motor vehicle service contracts does not apply to agreements issued by automobile clubs and clarifies the scope of products that may be offered as service contracts, which will promote uniformity.

Your Committee notes the concerns raised in testimony from the Department of Commerce and Consumer Affairs, that this measure exempts agreements issued by automobile clubs from existing law governing service contracts, effectively leaving these agreements without any regulatory oversight. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Removing language that would have exempted agreements issued by automobile clubs from applicable law concerning service contracts:
- (2) Deleting the definition of "automobile club";
- (3) Inserting an effective date of July 1, 2019; provided that the substantive provisions of this measure shall be effective July 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 154, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 154, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Thielen).

#### SCRep. 1776 Commerce, Consumer Protection, and Health on H.B. No. 214

The purpose and intent of this measure is to allow cemetery authorities with a current and active license with the Department of Commerce and Consumer Affairs to disinter and reinter the corpse or remains of a human body within the same cemetery without filing an application for a permit with the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health and Hawaii Funeral and Cemetery Association.

Your Committee finds that it is important for Hawaii to have a disinterment law that clearly establishes the priorities of those persons who may direct a disinterment of a decedent and that permits funeral establishments, cemeteries, mortuaries, and crematories to rely and proceed in good faith on those directions authorized by representatives of the decedent's family. Your Committee notes that the Department of Health and interested stakeholders have had an opportunity to discuss this measure and believe that this measure, in its current form, will streamline the disinterment process and eliminate the burdensome permit requirement.

Your Committee has amended this measure by inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 214, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 214, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

## SCRep. 1777 Commerce, Consumer Protection, and Health on H.B. No. 469

The purpose and intent of this measure is to require health insurance policies and contracts issued after December 31, 2019, to provide coverage for the cost of hearing aids for each hearing-impaired ear every thirty-six months.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board and twelve individuals. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund, and Kaiser Permanente Hawaii.

Your Committee finds that hearing aids are expensive and current insurance coverage is usually minimal. This prevents many individuals and families from obtaining hearing aids that would improve their quality of education, communication abilities, quality of life, and employment opportunities. Your Committee further finds that approximately eighty-five percent of individuals with hearing loss go untreated, which ultimately results in higher health care costs and longer hospitalization, readmissions, and more visits to an emergency room. Your Committee further finds that in 2014, the Auditor submitted a sunrise study on the advisability of mandating insurance coverage for hearing aids, as proposed in S.B. No. 309, S.D. 1, Regular Session of 2013. The 2014 Auditor's report found that most insurance plans in Hawaii already covered or planned to cover the cost of hearing aids by 2015 but expressed concerns that S.B. No. 309, S.D. 1, had no limits on coverage, such as minimum costs covered by insurers or frequency of replacement. This measure includes a minimum amount of coverage and the frequency for replacement of hearing aids under the coverage, and is intended to address the concerns raised in the 2014 Auditor's report. Accordingly, a second impact assessment report is unnecessary.

Your Committee has amended this measure by:

- (1) Deleting references to an employer option with regard to the required coverages;
- (2) Inserting \$1,500 as the minimum benefit per hearing-impaired ear every thirty-six months;
- (3) Clarifying that the coverage required shall not apply to limited benefit health insurance;
- (4) Clarifying that this measure shall be exempt from the Auditor's impact assessment report requirement under section 23-51, Hawaii Revised Statutes;
- (5) Updating the purpose section;
- (6) Inserting an effective date of July 1, 2019; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 469, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 469, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Thielen).

# SCRep. 1778 Commerce, Consumer Protection, and Health on H.B. No. 658

The purpose and intent of this measure is to include advanced practice registered nurses within certain rules adopted by the Department of Health.

Your Committee received testimony in support of this measure from the American Nurses Association in Hawaii, Hawaii Association of Professional Nurses, Hawaii Health and Harm Reduction Center, and fourteen individuals. Your Committee received comments on this measure from the Department of Health, Hawaii State Center for Nursing, and one individual.

Your Committee finds that advanced practice registered nurses (APRNs) have played an important role in addressing the health care access gap in Hawaii. APRNs have strict certification and licensing requirements and are permitted to work as independent providers, open their own practices, and be leaders in large organizations to help meet the growing needs of Hawaii residents. Your Committee notes that in some circumstances, private and publicly funded programs are required to have oversight by a medical director. However, despite their high level of training and the critical role APRNs play in Hawaii's health care system, APRNs are not included in Department of Health rules that would allow them to serve as medical directors and other medical leadership positions.

While your Committee is in support of exploring the feasibility of APRNs serving as medical directors and in other medical leadership roles, your Committee has concerns with this measure as currently drafted, as it is structurally awkward, lacks a purpose section to provide intent, and creates potential unintended consequences, such as non-compliance with federal requirements. Your Committee finds that consultation among stakeholders and further research are necessary to determine when APRNs should be eligible to serve in medical leadership positions and to produce a tailored measure allowing APRNs to serve as medical directors and similar medical leadership positions while identifying any exceptions, federal regulations, or other circumstances in which that eligibility may be inappropriate.

Accordingly, your Committee has amended this measure by deleting its contents and inserting language to:

- (1) Include a purpose section;
- (2) Establish the advanced practice registered nurse medical leadership working group (working group) to be convened by the Department of Health and chaired by the Director of Health;
- (3) Specify that the working group is to research and make recommendations regarding APRNs' eligibility for medical leadership positions and identify any circumstances where that eligibility may be inappropriate;

- (4) Require the working group to report its findings and any proposed legislation to the Legislature prior to the 2020 Regular Session; and
- (5) Change its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 658, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 658, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

# SCRep. 1779 Commerce, Consumer Protection, and Health on H.B. No. 1272

The purpose and intent of this measure is to:

- Authorize pharmacies to accept the return of any prescription drug for disposal via collection receptacles or mail-back programs;
- (2) Prohibit pharmacies from re-dispensing returned prescription drugs or accepting returned prescription drugs in exchange for cash or credit; and
- (3) Require the pharmacist-in-charge to ensure that only authorized reverse distributors acquire prescription drugs collected via collection receptacles or mail-back programs.

Your Committee received testimony in support of this measure from the Department of Public Safety; Alcohol and Drug Abuse Division of the Department of Health; Board of Pharmacy; University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy; Hawaii Medical Service Association; Walgreen Co.; Work Injury Medical Association of Hawaii; Hawaii Substance Abuse Coalition; CVS Health; and four individuals.

Your Committee finds that unused medications in households and at various patient care facilities expose residents to potential harm due to mistaken ingestion and increase the potential for theft and assault. Annually, more than seventy-one thousand children under the age of nineteen are admitted to emergency rooms for unintentional overdoses of prescription and over-the-counter drugs. Your Committee further finds that keeping unused opioids or other common drugs of misuse in homes is no longer safe or responsible. Disposal of unwanted, expired, or unnecessary prescription drugs reduces the risk of overdose, prevents unused or unwanted drugs or controlled substances from being diverted to an unintentional user, and avoids contaminating landfills and oceans. This measure helps address the nationwide opioid epidemic and promotes patient safety.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1272, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1272, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

#### SCRep. 1780 (Joint/Majority) Commerce, Consumer Protection, and Health and Judiciary on H.B. No. 664

The purpose and intent of this measure is to clarify that the ban on sexual orientation change efforts applies to conversion therapy practices or treatments that seek to change an individual's sexual orientation or gender identity.

Your Committees received testimony in support of this measure from the Department of Health, Hawai'i Civil Rights Commission, Hawai'i Psychological Association, LGBT Caucus of the Democratic Party of Hawai'i, Keiki Injury Prevention Coalition, Pride at Work Hawaii, Mental Health America of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, and eight individuals. Your Committees received testimony in opposition to this measure from Hawaii Family Forum, National Task Force for Therapy Equality, and three individuals.

Your Committees find that conversion therapy can be abusive and cause psychological distress with regard to changing sexual orientation and gender identity. Conversion therapy has long been discredited by respected medical and mental health institutions, including the American Psychological Association, and has been outlawed for licensed mental health providers in nine states and the District of Columbia. Your Committees note that this measure is a housekeeping measure that is the product of a task force led by the Child and Adolescent Mental Health Division of the Department of Health and clarifies that the ban on these destructive procedures applies equally to efforts to change the sexual orientation of lesbian, gay, or bisexual minors and efforts to change the gender identity of transgender minors. This measure further replaces "sexual orientation change efforts" with the more commonly known term "conversion therapy" to promote clarity.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 664, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 664, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

Judiciary: Ayes, 2. Noes, 1 (Gabbard). Excused, 2 (Kim, Fevella).

#### SCRep. 1781 Commerce, Consumer Protection, and Health on H.B. No. 760

The purpose and intent of this measure is to require a full-service franchise restaurant to disclose its non-participation in national advertising campaigns that offer a promotion or a discount with a sign at the entrance or storefront of the restaurant.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Restaurant Association.

Your Committee finds that customers of full-service restaurants who patronize the establishment because of a national advertising campaign that promotes a discount on food or beverage may be misled if the offer is not available in Hawaii. Although national advertisements generally disclose geographic restrictions in television commercials, the disclosure often appears only for a short period of time and in very small print. This measure will benefit Hawaii consumers by requiring a restaurant to inform patrons that a particular promotion does not apply prior to the patrons entering the restaurant, which will help alleviate unnecessary misunderstandings between restaurants and patrons.

Your Committee has amended this measure by inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 760, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 760, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Thielen, Fevella).

#### SCRep. 1782 Commerce, Consumer Protection, and Health on H.B. No. 267

The purpose and intent of this measure is to require drug manufacturers to notify certain prescription drug benefit plans and pharmacy benefit managers of a planned increase in the wholesale price of certain drugs that would result in a sixteen percent or more increase over any two-year period.

Your Committee received testimony in support of this measure from the Hawaii Medical Service Association, Kaiser Permanente Hawaii, and Work Injury Medical Association of Hawaii. Your Committee received testimony in opposition to this measure from Pharmaceutical Research and Manufacturers of America. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that one of the greatest threats to the affordability of health care coverage is the pharmaceutical industry's pricing of new and existing medications. According to testimony received by your Committee, between 2015 and 2018, overall drug spending for Hawaii members of a particular health maintenance organization increased one hundred forty-six percent for that organization's specialty pharmacy. New drugs are being approved and marketed at higher prices than their predecessor treatments, often with no difference in effectiveness or safety. Your Committee notes that hospitals and health plans report pricing information. It is therefore appropriate for pharmaceutical manufacturers to do the same when implementing major price increases. This measure will promote transparency in drug pricing and is an important step toward controlling excessive costs for prescription drugs.

Your Committee has amended this measure by:

- Requiring the manufacturer of a prescription drug to identify annually up to ten prescription drugs for which the wholesale
  acquisition cost increased by a total of fifty percent or more during the prior two calendar years, or by twenty percent or more
  during the prior calendar year;
- (2) Requiring a drug manufacturer to report to the Insurance Commissioner certain information associated with these identified prescription drugs; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 267, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 267, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Keohokalole, Fevella).

# SCRep. 1783 Labor, Culture and the Arts on H.B. No. 349

The purpose and intent of this measure is to designate June 21 as International Yoga Day.

Your Committee received testimony in support of this measure from the Gandhi International Institute for Peace, Still and Moving Center, Raj Kumar, and fourteen individuals.

Your Committee finds that yoga is a long standing tradition in Indian culture that is practiced by many people in Hawaii. On December 11, 2014, the United Nations adopted a resolution proclaiming June 21 as the International Day of Yoga. Accordingly, this measure will recognize June 21 of each year as International Yoga Day in Hawaii.

Your Committee notes that S.B. No. 267, S.D. 1 (Regular Session of 2019), which was previously passed by the Senate, is a substantially similar measure that also designates June 21 as International Yoga Day. Your Committee concludes that the language in S.B. No. 267, S.D. 1 is preferable because it is more consistent with language in the Hawaii Revised Statutes and contains a more accurate preamble.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 267, S.D. 1, a substantially similar measure that designates June 21 as International Yoga Day.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 349, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 349, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1784 Labor, Culture and the Arts on H.B. No. 655

The purpose and intent of this measure is to designate the month of September of each year as Suicide Prevention and Awareness Month.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that from 2013 to 2017, nine hundred twenty-six Hawaii residents died from suicide. Suicide is the leading cause of fatal injuries accounting for twenty-five percent of the 3,695 total deaths during this time period. Codifying September as Suicide Prevention and Awareness Month in Hawaii will bring awareness about suicide prevention since it provides a yearly focus for coordinated statewide public awareness activities.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 655, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1785 Judiciary on H.B. No. 507

The purpose and intent of this measure is to authorize a judge or magistrate to approve a search warrant based on sworn oral statements or electronic communications.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawai'i, Office of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, and Hawaii Chapter of Mothers Against Drunk Driving. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that while Rule 41(h) of the Hawaii Rules of Penal Procedure authorizes a judge to issue a search warrant based on a sworn oral statement, corresponding sections of the Hawaii Revised Statutes are unclear in substantiating this authorization. Under sections 803-31 and 803-34, Hawaii Revised Statutes, warrants are specifically required to be in writing, and section 803-33, Hawaii Revised Statutes, requires that a search warrant be supported by a written affidavit made or taken under oath before an officer of the court or a notary public. This discrepancy between the Hawaii Rules of Penal Procedure and the Hawaii Revised Statutes impedes the ability of law enforcement officers to collect evidence and effectively conduct investigations in scenarios in which it is not possible to obtain a written warrant supported by a written affidavit before relevant evidence becomes unavailable. This measure updates chapter 803, Hawaii Revised Statutes, to be consistent with procedures contained in the Hawaii Rules of Penal Procedure.

Your Committee has amended this measure by:

- Clarifying the circumstances under which an application for a warrant based on a sworn oral statement that is communicated in person or by telephone may be granted;
- Restructuring and further clarifying new statutory language related to warrants issued on oral statements or electronic communications;
- (3) Making conforming amendments to sections of chapter 803, Hawaii Revised Statutes;
- (4) Changing the effective date to January 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 507, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 507, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1786 Judiciary on H.B. No. 711

The purpose and intent of this measure is to:

- (1) Amend the affirmative defense of extreme mental or emotional disturbance to murder or attempted murder by prohibiting explanations based solely on the defendant's discovery, knowledge, or disclosure of the victim's gender, gender identity or expression, or sexual orientation; and
- (2) Require the court to instruct the jury to disregard bias and prejudice if a defendant's explanation includes the discovery of a victim's gender, gender identity or expression, or sexual orientation.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, LGBT Caucus of the Democratic Party Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Pride at Work Hawaii, Rainbow Family 808, and twenty-four individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that gay or trans panic defenses are uniquely used to justify crime against LGBTQ+ individuals and are based on exploiting homophobic bias in factfinders. Your Committee further finds that bans on gay or trans panic defenses have been implemented in California, Illinois, and Rhode Island. Your Committee additionally finds that homicide or assault of a person because of that person's sexual orientation or gender identity should not be a criminal defense.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 711, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 711, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1787 Ways and Means on S.C.R. No. 201

The purpose and intent of this measure is to urge the Department of Human Services to create a Compact of Free Association Advisory Board to undertake studies and make policy recommendations regarding health care coverage for residents from the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau.

Your Committee received written comments in support of the measure from the Department of Human Services, Parents and Children Together, and Kokua Kalihi Valley.

Your Committee finds that, based on their immigration status under the applicable compacts of free association, individuals from the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau face unique challenges in navigating state systems, particularly state-funded health insurance and health care programs. Analyses and recommendations are needed to determine the best approach for providing parity in state-funded health coverage for otherwise eligible individuals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 201 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

#### SCRep. 1788 Ways and Means on S.R. No. 161

The purpose and intent of this measure is to urge the Department of Human Services to create a Compact of Free Association Advisory Board to undertake studies and make policy recommendations regarding health care coverage for residents from the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau.

Your Committee received written comments in support of the measure from the Department of Human Services, Kokua Kalihi Valley, and one individual.

Your Committee finds that, based on their immigration status under the applicable compacts of free association, individuals from the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau face unique challenges in navigating state systems, particularly state-funded health insurance and health care programs. Analyses and recommendations are needed to determine the best approach for providing parity in state-funded health coverage for otherwise eligible individuals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 161 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

# SCRep. 1789 Water and Land on S.C.R. No. 145

The purpose and intent of this measure is to request the Department of Land and Natural Resources' Division of Forestry and Wildlife to prioritize the control of high-threat invasive species in the County of Hawai'i.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Office of the Mayor of the County of Hawai'i, Hawai'i Farm Bureau, and O'ahu County Democrats Committee on Legislative Priorities. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that invasive species have become one of the most challenging problems impacting Hawaii. Many invasive species are damaging the environment and the State's economy. Every year, numerous new pests are introduced into the State, such as the coqui frog, coffee berry borer, axis deer, macadamia felted coccid, little fire ant, coconut rhinoceros beetle, small hive beetle, and varroa mite, to name a few. Your Committee further finds that eradication of invasive species in Hawaii is a difficult task and often is only possible when a species is a relatively new introduction and its population size and distribution are limited. Some species are unfortunately established beyond the ability to eradicate, requiring a cost-benefit analysis that considers the costs of controlling a species in perpetuity, versus scaling back or suspending control activities until new technological advances provide more effective control methodologies. Your Committee supports prioritizing the control of high-threat invasive species.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 145 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

#### SCRep. 1790 Water and Land on S.R. No. 112

The purpose and intent of this measure is to request the Department of Land and Natural Resources' Division of Forestry and Wildlife to prioritize the control of high-threat invasive species in the County of Hawai'i.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Office of the Mayor of the County of Hawai'i, Hawai'i Farm Bureau, and O'ahu County Democrats Committee on Legislative Priorities. Your Committee received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that invasive species have become one of the most challenging problems impacting Hawaii. Many invasive species are damaging the environment and the State's economy. Every year, numerous new pests are introduced into the State, such as the coqui frog, coffee berry borer, axis deer, macadamia felted coccid, little fire ant, coconut rhinoceros beetle, small hive beetle, and varroa mite, to name a few. Your Committee further finds that eradication of invasive species in Hawaii is a difficult task and often is only possible when a species is a relatively new introduction and its population size and distribution are limited. Some species are unfortunately established beyond the ability to eradicate, requiring a cost-benefit analysis that considers the costs of controlling a species in perpetuity, versus scaling back or suspending control activities until new technological advances provide more effective control methodologies. Your Committee supports prioritizing the control of high-threat invasive species.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 112 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

#### SCRep. 1791 (Joint) Water and Land and Agriculture and Environment on S.C.R. No. 129

The purpose and intent of this measure is to engage, endorse, accept, and adopt the New York Declaration on Forests (NYDF) and urge federal leaders and the nation to embrace the goals of the NYDF and the 2030 Agenda and make sustainable development the centerpiece of national social and sustainable policies.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and three individuals.

Your Committees find that the NYDF was created and launched at the United Nations Climate Summit at United Nations Headquarters in September 2014 to provide a proactive and participatory human rights based approach to protect and restore forests that supports the scope and significance of the United Nations 2030 Agenda and the seventeen Sustainable Development Goals. Your Committees further find that the NYDF outlines ten global targets related to protecting and restoring forests, which, if realized, have the potential to reduce annual carbon emissions by 4.5 to 8.8 billion tons of carbon dioxide – the equivalent of the annual emissions of the United States. Your Committees find that the NYDF coincides with ongoing state efforts to reduce loss of forests, increase carbon sequestration, and mitigate the impacts of climate change.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 129 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

# SCRep. 1792 (Joint) Water and Land and Agriculture and Environment on S.R. No. 98

The purpose and intent of this measure is to engage, endorse, accept, and adopt the New York Declaration on Forests (NYDF) and urge federal leaders and the nation to embrace the goals of the NYDF and the 2030 Agenda and make sustainable development the centerpiece of national social and sustainable policies.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and O'ahu County Democrats Committee on Legislative Priorities.

Your Committees find that the NYDF was created and launched at the United Nations Climate Summit at United Nations Headquarters in September 2014 to provide a proactive and participatory human rights based approach to protect and restore forests

that supports the scope and significance of the United Nations 2030 Agenda and the seventeen Sustainable Development Goals. Your Committees further find that the NYDF outlines ten global targets related to protecting and restoring forests, which, if realized, have the potential to reduce annual carbon emissions by 4.5 to 8.8 billion tons of carbon dioxide – the equivalent of the annual emissions of the United States. Your Committees find that the NYDF coincides with ongoing state efforts to reduce loss of forests, increase carbon sequestration, and mitigate the impacts of climate change.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 98 and recommend its adoption.

Signed by the Chairs on behalf of the Committees. Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere). Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

#### SCRep. 1793 Water and Land on S.C.R. No. 209

The purpose and intent of this measure is to request the Department of Land and Natural Resources' Division of Boating and Ocean Recreation (DOBOR) to collaborate with the County of Hawai'i to improve and streamline the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park on Hawai'i island.

Your Committee received comments on this measure from the Department of Land and Natural Resources and Aha Moku Advisory Committee.

Your Committee finds that commercial ocean activity operators at Kahalu'u Beach Park are under dual government oversight. The County of Hawai'i regulates activity on the beach, while DOBOR regulates activity in the ocean waters. DOBOR adopted amendments to the Hawaii Administrative Rules in 2016 to allow four commercial surf instruction operators to receive permits for activities in Kahalu'u Bay ocean waters. The County of Hawai'i Department of Parks and Recreation Director and Deputy Director recently notified the Department of Land and Natural Resources that it intends to authorize all surf schools who meet the minimum requirements to conduct surf instruction from county property at Kahalu'u Bay, rather than only four surf schools. There are at least seven surf schools that have received authorization from the County of Hawai'i; however, under existing DOBOR administrative rules, only four commercial surf instruction operators can be issued a permit for commercial instruction in Kahalu'u Bay ocean waters. Your Committee further finds that this complex situation requires close collaboration between the Department of Land and Natural Resources and County of Hawai'i administration to reach a balanced solution for the community and commercial operators that addresses the issues of overcrowding and safety through the commercial permitting process.

Your Committee has amended this measure by:

- (1) Amending language to instead request DOBOR and the County of Hawai'i to collaborate to identify and pursue the best plan of action moving forward, given adjacent jurisdictions of the County and State at Kahalu'u Bay, to meet county and state interests in supporting a balanced solution for community and business to address issues of overcrowding and safety; improving, identifying, and protecting native Hawaiian rights and customary and traditional practices; and streamlining the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park;
- (2) Making conforming amendments to the reporting requirement;
- (3) Amending its title accordingly; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 209, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 209, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 1794 Water and Land on S.R. No. 168

The purpose and intent of this measure is to request the Department of Land and Natural Resources' Division of Boating and Ocean Recreation (DOBOR) to collaborate with the County of Hawai'i to improve and streamline the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park on Hawai'i island.

Your Committee received comments on this measure from the Department of Land and Natural Resources and Aha Moku Advisory Committee.

Your Committee finds that commercial ocean activity operators at Kahalu'u Beach Park are under dual government oversight. The County of Hawai'i regulates activity on the beach, while DOBOR regulates activity in the ocean waters. DOBOR adopted amendments to the Hawaii Administrative Rules in 2016 to allow four commercial surf instruction operators to receive permits for activities in Kahalu'u Bay ocean waters. The County of Hawai'i Department of Parks and Recreation Director and Deputy Director recently notified the Department of Land and Natural Resources that it intends to authorize all surf schools who meet the minimum requirements to conduct surf instruction from county property at Kahalu'u Bay, rather than only four surf schools. There are at least seven surf schools that have received authorization from the County of Hawai'i; however, under existing DOBOR administrative rules, only four commercial surf instruction operators can be issued a permit for commercial instruction in Kahalu'u Bay ocean waters. Your Committee further finds that this complex situation requires close collaboration between the Department of Land and Natural Resources and County of Hawai'i administration to reach a balanced solution for the community and commercial operators that addresses the issues of overcrowding and safety through the commercial permitting process.

Your Committee has amended this measure by:

- (1) Amending language to instead request DOBOR and the County of Hawai'i to collaborate to identify and pursue the best plan of action moving forward, given adjacent jurisdictions of the County and State at Kahalu'u Bay, to meet county and state interests in supporting a balanced solution for community and business to address issues of overcrowding and safety; improving, identifying, and protecting native Hawaiian rights and customary and traditional practices; and streamlining the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park;
- (2) Making conforming amendments to the reporting requirement;
- (3) Amending its title accordingly; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 168, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 168, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 1795 Water and Land on S.C.R. No. 176

The purpose and intent of this measure is to urge the Department of Health to complete the Total Maximum Daily Load process for Ka'elepulu watershed in Kailua, O'ahu, by December 31, 2019.

Your Committee received testimony in support of this measure from thirty-two individuals.

Your Committee finds that the Ka'elepulu Watershed, including the Ka'elepulu Stream, Kailua Beach, Kailua Beach Park, Lanikai Beach, and Kailua boat ramp, was designated for Total Maximum Daily Load (TMDL) development based on the severity of pollution and uses of the water under the federal Clean Water Act, but the TMDL process was never completed. Your Committee finds that a TMDL process is necessary to ensure the health of the Ka'elepulu Watershed.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 176 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Riviere).

#### SCRep. 1796 Water and Land on S.R. No. 143

The purpose and intent of this measure is to urge the Department of Health to complete the Total Maximum Daily Load process for Ka'elepulu watershed in Kailua, O'ahu, by December 31, 2019.

Your Committee received testimony in support of this measure from the O'ahu County Democrats Committee on Legislative Priorities and eight individuals.

Your Committee finds that the Ka'elepulu Watershed, including the Ka'elepulu Stream, Kailua Beach, Kailua Beach Park, Lanikai Beach, and Kailua boat ramp, was designated for Total Maximum Daily Load (TMDL) development based on the severity of pollution and uses of the water under the federal Clean Water Act, but the TMDL process was never completed. Your Committee finds that a TMDL process is necessary to ensure the health of the Ka'elepulu Watershed.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 143 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Riviere).

#### SCRep. 1797 Water and Land on S.C.R. No. 136

The purpose and intent of this measure is to urge the Department of Land and Natural Resources' Division of Forestry and Wildlife to document the history of exemplary contributions made by community members, including kupuna, conservationists, and citizens.

Your Committee received testimony in support of this measure from the O'ahu County Democrats and O'ahu County Democrats Committee on Legislative Priorities. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that Hawaii has a rich history of exemplary kupuna, conservationists, and other citizens. Marjorie Yasue Fern Ziegler is one such individual whose contributions deserve to be honored and remembered. Ms. Ziegler was an ardent and tireless supporter of Hawaii's native plants and animals, and who in turn inspired many others to dedicate their efforts toward the State's natural resources. Your Committee supports efforts to document and acknowledge Hawaii's exemplary kupuna, conservationists, and citizens.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 136 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

#### SCRep. 1798 Water and Land on S.C.R. No. 142

The purpose and intent of this measure is to urge the Division of Boating and Ocean Recreation (DOBOR) and Division of Conservation and Resources Enforcement (DOCARE) to implement and conduct quarterly community meetings for interested people to express their concerns regarding access to Kailua Pier on Hawai'i island.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that DOBOR and DOCARE are responsible for maintaining and safeguarding, and enforcing certain laws and rules at, the state boating facilities at Kailua Pier, located in Kailua-Kona, on the island of Hawaii. Kailua Pier is a popular place for boat launching and docking. Your Committee further finds that DOBOR provided canoe clubs with keys that allowed them vehicular access to Kailua Pier; however, after receiving complaints from the community about keyholders abusing their vehicular access privileges, DOBOR reduced the number of access keys to be issued to keyholders. Your Committee supports collaboration between DOBOR and DOCARE and the community to address concerns regarding access to Kailua Pier.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 142 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 1799 Water and Land on S.R. No. 109

The purpose and intent of this measure is to urge the Division of Boating and Ocean Recreation (DOBOR) and Division of Conservation and Resources Enforcement (DOCARE) to implement and conduct quarterly community meetings for interested people to express their concerns regarding access to Kailua Pier on Hawai'i island.

Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that DOBOR and DOCARE are responsible for maintaining and safeguarding, and enforcing certain laws and rules at, the state boating facilities at Kailua Pier, located in Kailua-Kona, on the island of Hawaii. Kailua Pier is a popular place for boat launching and docking. Your Committee further finds that DOBOR provided canoe clubs with keys that allowed them vehicular access to Kailua Pier; however, after receiving complaints from the community about keyholders abusing their vehicular access privileges, DOBOR reduced the number of access keys to be issued to keyholders. Your Committee supports collaboration between DOBOR and DOCARE and the community to address concerns regarding access to Kailua Pier.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 109 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

## SCRep. 1800 Water and Land on S.C.R. No. 205

The purpose and intent of this measure is to urge the State Board on Geographic Names (Board) to consult with community members who have direct traditional, cultural, and familial ties to the district of Puna to establish appropriate names for the fissure 8 vent and other features of the 2018 eruption of Kilauea Volcano.

Your Committee received testimony in support of this measure from the Office of Planning, Aha Moku Advisory Committee, and one individual.

Your Committee finds that the term "Fissure 8" is an inaccurate name for the large tephra cone located on the East Rift Zone within Leilani Estates and that the naming of a volcanic feature in the Hawaiian language may encode information about its physical characteristics, history of its formation, ecological surroundings, geographic location, or related oral histories. Your Committee notes that the Board has established a Permitted Interaction Group (PIG) to engage in dialogue with and collect feedback from the Puna community regarding the naming of the fissure 8 vent. The PIG is tasked with setting a submission deadline for any new name proposals for the fissure 8 vent, review the proposed names for all features associated with the 2018 Kilauea eruption event, and report back to the full Board with its recommendations no later than December 31, 2019.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 205 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

# SCRep. 1801 Water and Land on S.R. No. 165

The purpose and intent of this measure is to urge the State Board on Geographic Names (Board) to consult with community members who have direct traditional, cultural, and familial ties to the district of Puna to establish appropriate names for the fissure 8 vent and other features of the 2018 eruption of Kilauea Volcano.

Your Committee received testimony in support of this measure from the Office of Planning and Aha Moku Advisory Committee.

Your Committee finds that the term "Fissure 8" is an inaccurate name for the large tephra cone located on the East Rift Zone within Leilani Estates and that the naming of a volcanic feature in the Hawaiian language may encode information about its physical characteristics, history of its formation, ecological surroundings, geographic location, or related oral histories. Your Committee notes that the Board has established a Permitted Interaction Group (PIG) to engage in dialogue with and collect feedback from the Puna community regarding the naming of the fissure 8 vent. The PIG is tasked with setting a submission deadline for any new name

proposals for the fissure 8 vent, review the proposed names for all features associated with the 2018 Kilauea eruption event, and report back to the full Board with its recommendations no later than December 31, 2019.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 165 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Nishihara, Riviere).

## SCRep. 1802 Hawaiian Affairs on S.C.R. No. 45

The purpose and intent of this measure is to support the Governor's efforts in urging the Bank of America to return to Hawaii to meet with Na Po'e Kōkua and the Hawaii Fair Lending Coalition to reach a settlement agreement relating to a \$150,000,000 loan commitment for Native Hawaiians on Hawaiian home lands.

Your Committee received testimony in support of this measure from the Office of the Mayor, County of Maui; Maui County Council; three members of the Maui County Council; three members of the Kaua'i County Council; University of Hawaii, Maui College; O'ahu County Democrats Legislative Priorities Committee; Hawai'i Alliance for Community-Based Economic Development; Ho'omanapono Political Action Committee; Na Po'e Kokua; and sixteen individuals. Your Committee received testimony in opposition to this measure from the Bank of America.

Your Committee finds that in 1993 the Hawaii Fair Lending Coalition (HFLC) discovered that Bank of America was conducting discriminatory lending practices in the form of redlining, the practice of denying services to residents of certain areas based on the racial or ethnic composition of those areas, by not providing mortgages on Hawaiian homelands. In response to HFLC's efforts, the Federal Reserve System ordered Bank of America to make \$150,000,000 in Federal Housing Administration section 247 (FHA-247) mortgages available on Hawaiian homelands by 1998. Your Committee further finds that, according to HFLC, Bank of America failed to meet its commitment and supplied only \$3,109,502 in loans by 1998 and subsequently Bank of America reaffirmed its loan commitment of \$150,000,000.

Your Committee notes testimony submitted by the Bank of America that the Department of Hawaiian Home Lands agreed to modify the original terms of the agreement to apply initiatives besides residential mortgage loans toward the \$150,000,000 commitment. Bank of America further claims that after the terms of the agreement were modified, it was able to fulfill its obligations by 2007 and contends that the Department of Hawaiian Home Lands confirmed that the Bank of America had met its obligations.

Your Committee finds that significant questions pertaining to this matter remain and encourages the Governor's efforts in investigating whether Bank of America has outstanding obligations to the Native Hawaiian community.

Your Committee has amended this measure by:

- (1) Updating the findings to acknowledge that the Federal Reserve mandated that the Bank of America provide below market financing to assist Kaua'i in recovering from Hurricane 'Iniki and, according to HFLC, those loans were never provided;
- (2) Updating the findings to include the Bank of America's position on its loan commitment and to indicate that certain findings express HFLC's position;
- (3) Supporting the Governor's efforts in investigating this matter;
- (4) Adding each member of the Board of Governors of the Federal Reserve System as a recipient of a certified copy; and
- (5) Amending the title accordingly.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 45, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 45, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

# SCRep. 1803 Hawaiian Affairs on S.R. No. 32

The purpose and intent of this measure is to support the Governor's efforts in urging the Bank of America to return to Hawaii to meet with Na Po'e Kōkua and the Hawaii Fair Lending Coalition to reach a settlement agreement relating to a \$150,000,000 loan commitment for Native Hawaiians on Hawaiian home lands.

Your Committee received testimony in support of this measure from Office of the Mayor, County of Maui; Maui County Council; three members of the Maui County Council; three members of the Kaua'i County Council; Democratic Party of Hawaii, Hawaiian Affairs Caucus; O'ahu County Democrats Legislative Priorities Committee; Hawai'i Alliance for Community-Based Economic Development; Na Po'e Kokua; and fourteen individuals. Your Committee received testimony in opposition to this measure from the Bank of America.

Your Committee finds that in 1993 the Hawaii Fair Lending Coalition (HFLC) discovered that Bank of America was conducting discriminatory lending practices in the form of redlining, the practice of denying services to residents of certain areas based on the racial or ethnic composition of those areas, by not providing mortgages on Hawaiian homelands. In response to HFLC's efforts, the Federal Reserve System ordered Bank of America to make \$150,000,000 in Federal Housing Administration section 247 (FHA-247) mortgages available on Hawaiian homelands by 1998. Your Committee further finds that, according to HFLC, Bank of America failed to meet its commitment and supplied only \$3,109,502 in loans by 1998 and subsequently Bank of America reaffirmed its loan commitment of \$150,000,000.

Your Committee notes testimony submitted by the Bank of America that the Department of Hawaiian Home Lands agreed to modify the original terms of the agreement to apply initiatives besides residential mortgage loans toward the \$150,000,000 commitment. Bank of America further claims that after the terms of the agreement were modified, it was able to fulfill its obligations by 2007 and contends that the Department of Hawaiian Home Lands confirmed that the Bank of America had met its obligations.

Your Committee finds that significant questions pertaining to this matter remain and encourages the Governor's efforts in investigating whether Bank of America has outstanding obligations to the Native Hawaiian community.

Your Committee has amended this measure by:

- (1) Updating the findings to acknowledge that the Federal Reserve mandated that the Bank of America provide below market financing to assist Kaua'i in recovering from Hurricane 'Iniki and, according to HFLC, those loans were never provided;
- (2) Updating the findings to include the Bank of America's position on its loan commitment and to indicate that certain findings express HFLC's position;
- (3) Supporting the Governor's efforts in investigating this matter;
- (4) Adding each member of the Board of Governors of the Federal Reserve System as a recipient of a certified copy; and
- (5) Amending the title accordingly.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 32, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 32, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).

#### SCRep. 1804 Judiciary on S.C.R. No. 74

The purpose and intent of this measure is to encourage the Department of Education and other agency and community stakeholders to continue meeting as a working group for sexual violence prevention education in public schools.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Commission on the Status of Women, American Association of University Women of Hawaii, Hawaii State Teachers Association, The Sex Abuse Treatment Center, Oʻahu County Democrats Legislative Priorities Committee, Hawaii Women's Coalition, Parents and Children Together, and one individual.

Your Committee finds that sexual violence remains a serious and ongoing threat to the safety and health of children and young people in the State. Your Committee further finds that in October 2018, the Department of Education established a working group to collaborate with other stakeholders to review Hawaii public schools' current prevention-oriented child sexual abuse programs and resources and initiate recommendations to enhance integrated, comprehensive, and sustained support to ensure the well-being of our youth. This measure encourages the Department of Education and other agency and community stakeholders to continue the efforts of the working group for sexual violence prevention education in public schools.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 74 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 1805 Judiciary on S.R. No. 52

The purpose and intent of this measure is to encourage the Department of Education and other agency and community stakeholders to continue meeting as a working group for sexual violence prevention education in public schools.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Hawaii State Teachers Association, The Sex Abuse Treatment Center, Hawaii Youth Services Network, Parents and Children Together, O'ahu County Democrats Legislative Priorities Committee, and one individual.

Your Committee finds that sexual violence remains a serious and ongoing threat to the safety and health of children and young people in the State. Your Committee further finds that in October 2018, the Department of Education established a working group to collaborate with other stakeholders to review Hawaii public schools' current prevention-oriented child sexual abuse programs and resources and initiate recommendations to enhance integrated, comprehensive, and sustained support to ensure the well-being of our youth. This measure encourages the Department of Education and other agency and community stakeholders to continue the efforts of the working group for sexual violence prevention education in public schools.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 52 and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 1806 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.C.R. No. 212

The purpose and intent of this measure is to request that the President of the Senate and Speaker of the House of Representatives convene a joint legislative task force to determine design solutions and safety features to enhance pedestrian safety on state and county roads.

Your Committees received testimony in support of this measure from the Department of Transportation, Disability and Communication Access Board, and one member of the Honolulu City Council.

Your Committees find that pedestrian fatalities in 2018 increased by over five hundred percent and that a total of forty-four pedestrians were killed in crashes statewide. Your Committees further find that Hawaii's road system should better integrate multimodal forms of transportation and consider all users, including pedestrians, bicyclists, motorists, those with disabilities, and transit riders. This measure therefore requests that the President of the Senate and Speaker of the House of Representatives convene a joint legislative task force to determine design solutions and safety features to enhance pedestrian safety on state and county roads.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 212 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 1807 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.R. No. 171

The purpose and intent of this measure is to request that the President of the Senate and Speaker of the House of Representatives convene a joint legislative task force to determine design solutions and safety features to enhance pedestrian safety on state and county roads.

Your Committees received testimony in support of this measure from the Department of Transportation and Disability and Communication Access Board.

Your Committees find that pedestrian fatalities in 2018 increased by over five hundred percent and that a total of forty-four pedestrians were killed in crashes statewide. Your Committees further find that Hawaii's road system should better integrate multimodal forms of transportation and consider all users, including pedestrians, bicyclists, motorists, those with disabilities, and transit riders. This measure therefore requests that the President of the Senate and Speaker of the House of Representatives convene a joint legislative task force to determine design solutions and safety features to enhance pedestrian safety on state and county roads.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 171 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1808 Ways and Means on S.C.R. No. 8

The purpose and intent of this measure is to urge the Hawaii State Department of the Attorney General to investigate the sexual abuse of minors in the State by clergy of the Roman Catholic Church.

Your Committee received written comments in support of this measure from the Sex Abuse Treatment Center, Rainbow Family 808, LGBT Caucus of the Democratic Party of Hawaii, and numerous individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that civil and criminal cases throughout the country have identified a pattern of Roman Catholic clergy who have sexually abused minors in multiple dioceses. Your Committee further finds that a formal investigation is needed to determine the extent of the abuse that has occurred in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 8 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1809 Ways and Means on S.C.R. No. 15

The purpose and intent of this measure is to authorize the issuance of an easement covering a portion of state submerged lands at Kaneohe, Koolaupoko, Oahu.

Your Committee received written comments in support of this measure from Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board has identified portions of a pier and a seawall fronting the property identified as Tax Map Key: (1) 4-5-058: seaward of 030, Kancohe, Koolaupoko, Oahu, as encroaching upon state submerged lands. Your Committee also finds that the Board has approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment. Your Committee further finds that this measure expresses the necessary legislative approval for an easement to be granted for the existing pier and seawall, and for use, repair, and maintenance of the existing improvement constructed thereon.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 15 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1810 Ways and Means on S.C.R. No. 16

The purpose and intent of this measure is to authorize the issuance of an easement covering portions of state submerged lands at Kaneohe, Koolaupoko, Oahu.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition of state submerged lands. The Board has determined that a previously issued easement should be amended to include a total encroachment area of five hundred thirty-eight square feet and to add a seawall and eave purposes. Your Committee further finds that this measure expresses the requisite legislative approval so that the existing easement may be amended to include this additional encroachment.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 16 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 1811 Ways and Means on S.C.R. No. 19

The purpose and intent of this measure is to request that the Department of Transportation conduct a study that examines the necessity of vehicle safety inspections in the State.

More specifically, this measure requests that the Department of Transportation:

- (1) Conduct a study on the feasibility of eliminating or modifying vehicle safety inspection requirements in the State;
- (2) Study the laws of other states that have eliminated or modified vehicle safety inspection requirements; and
- (3) Submit a report to the Legislature.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that the current vehicle safety inspection requirements may not be necessary since these inspections do not necessarily reveal any material defects in the inspected vehicles.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 19, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1812 Ways and Means on S.C.R. No. 23

The purpose and intent of this measure is to request that the Legislative Reference Bureau establish a task force to review Hawaii's current voter education system and propose improvements in reports to the Legislature.

Your Committee received written comments in support of this measure from the Office of Elections, League of Women Voters of Hawaii, and two individuals.

Your Committee received written comments on this measure from the Disability and Communication Access Board and Legislative Reference Bureau.

Your Committee finds that insufficient voter education is a significant factor that contributes to poor citizen engagement in Hawaii, including low voter turnout at elections. Accordingly, your Committee finds that the State should explore the best ways to provide appropriate voter education to its residents.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 23 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1813 Ways and Means on S.C.R. No. 28

The purpose and intent of this measure is to urge the Department of Land and Natural Resources to properly manage and protect the Waianae Kai Forest.

Specifically, the measure:

- (1) Urges the Department of Land and Natural Resources to ensure water flow from certain streams in the Waianae Watershed for Native Hawaiian traditional and customary practices and to implement the Waianae Kai wildfire preparedness plan; and
- (2) Requests the Department of Land and Natural Resources' Division of Forestry and Wildlife to continue to manage the Waianae Kai Forest Reserve with native trees and shrubs and to restore forest areas damaged by the recent August 2018 fire with native trees and shrubs

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that this measure aligns with the State's constitutional obligations to benefit its people by protecting, controlling, and regulating Hawaii's water resources and holding in trust all public natural resources. Your Committee further finds that this measure aims to improve security, education, and response capabilities through the implementation of the Waianae Kai wildfire preparedness plan.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 28 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1814 Ways and Means on S.C.R. No. 31

The purpose and intent of this measure is to urge the State Capitol Management Committee to designate the Hawaii State Capitol building and grounds as a single-use plastic free zone.

Your Committee received written comments in support of this measure from Animal Rights Hawaii and one individual.

Your Committee finds that single-use plastics are detrimental to the State's environment and economy and to the health and well-being of both humans and animals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 31, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1815 Ways and Means on S.C.R. No. 44

The purpose and intent of this measure is to request the Auditor to evaluate the 2017 University of Hawaii internal audit of travel policy compliance for fiscal years 2015-2017 and submit a report to the Legislature.

Your Committee received written comments in support of this measure from the University of Hawaii.

Your Committee received written comments on this measure from the Office of the Auditor.

Your Committee finds that an independent evaluation by the Auditor will help to establish whether University of Hawaii employees and related personnel followed the proper travel policies and whether any suggested corrective actions were sufficient to address non-compliance with those policies.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 44, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1816 Ways and Means on S.C.R. No. 49

The purpose and intent of this measure is to promote the efficient management of the State's submerged lands and aquatic recreational facilities.

Specifically, this measure urges the Board of Land and Natural Resources to transfer management of all submerged lands, the boat launch ramp, and any related boat launch ramp facilities located at the Wahiawa Freshwater State Recreation Area from the Division of Aquatic Resources to the Division of Boating and Ocean Recreation.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources could use its expertise in vessel operation regulation and property management to manage all submerged lands and the boat launch ramp and related facilities at the Wahiawa Freshwater State Recreation Area.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 49, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1817 Ways and Means on S.C.R. No. 51

The purpose and intent of this measure is to encourage the Department of Education to partner with Na Kama Kai to make ocean safety and stewardship education available to all fourth grade public school students.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that learning ocean and water safety at a young age can help to prevent drownings.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 51 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1818 Ways and Means on S.C.R. No. 56

The purpose and intent of this measure is to request the Department of Education to convene a task force to review the school impact fees law, make recommendations to address current and future needs to develop new schools in response to projected population growth, and submit annual reports for three years.

Your Committee received testimony in support of this measure from Hawaii State Teachers Association.

Your Committee finds that new housing developments will add tens of thousands of new homes to communities in the State, potentially causing overcrowding of certain schools. Your Committee further finds that establishing a task force to review school impact fees can help to determine the proper amount of fees necessary to fund needed new schools for growing parts of the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 56 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1819 Ways and Means on S.C.R. No. 60

The purpose and intent of this measure is to urge the University of Hawaii at Manoa to extend its Rainbow Shuttle bus service into the communities of Kapahulu and Waikiki.

Your Committee received no written comments on this measure.

Your Committee finds that extending Rainbow Shuttle bus service may increase access to the University of Hawaii at Manoa for its students, faculty, staff, and visitors, many of whom live in or frequent the Kapahulu and Waikiki communities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 60 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1820 Ways and Means on S.C.R. No. 61

The purpose and intent of this measure is to request the Hawaii Community Development Authority to identify and recommend appropriate geographic sites for the construction of a fire station in or around the community of Kakaako on Oahu.

Your Committee received written comments on this measure from the Hawaii Community Development Authority.

Your Committee finds that this measure aligns with the goal of protecting the State's residents and visitors by requesting a study of the potential establishment of additional first responder services in the community of Kakaako.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 61 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1821 Ways and Means on S.C.R. No. 62

The purpose and intent of this measure is to urge the Governor's Coordinator on Homelessness and the City and County of Honolulu to convene a task force to address homelessness in the area surrounding the Hawaii Children's Discovery Center.

Your Committee received written comments in support of this measure from the Hawaii Children's Discovery Center and numerous individuals.

Your Committee received written comments on this measure from the Governor's Coordinator on Homelessness.

Your Committee finds that the prevalence of homeless encampments in the area surrounding the Hawaii Children's Discovery Center may result in the permanent closure of the center. Accordingly, your Committee believes that efforts to address homelessness in the area surrounding the center are crucial for the continued operation of the center.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 62, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1822 Ways and Means on S.C.R. No. 72

The purpose and intent of this measure is to urge the counties to submit a report to the Legislature regarding use of vehicle weight tax exemptions by members of the armed services.

No written comments were received on this measure.

Your Committee finds that, due to the limited ability of the State to determine the number of members of the armed services who claim vehicle weight tax exemptions and who also claim residency in the State, the counties may be the most appropriate entities to provide this information.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 72, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1823 Ways and Means on S.C.R. No. 75

The purpose and intent of this measure is to grant legislative approval to amend an easement for a portion of state submerged lands at Honolulu Harbor, Oahu.

Your Committee received written comments in support of this measure from the Department of Transportation, Pacific Shipyards International, and two individuals.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to dispose of state submerged lands. A previous measure, Senate Concurrent Resolution No. 56, S.D. 1, Regular Session of 2014, authorized the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to issue a lease for a term coextensive with the term of the ground lease for the fast lands adjacent to Pacific Shipyards International covering a portion of state submerged lands fronting the property bound by Piers 24 to 26. After that measure was adopted, one of the drydocks that the submerged land was contemplated to contain was replaced by a larger drydock. The fast land area contemplated for Pacific Shipyards International occupancy was therefore reduced, so that the submerged land now extends beyond the fast land boundary. Accordingly, your Committee finds it appropriate to amend the easement so that the leased land encompasses the actual boundaries and matches the dimensions of the new drydock.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 75 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1824 Ways and Means on S.C.R. No. 81

The purpose and intent of this measure is to request that all elementary, intermediate, and middle schools in the State participate in the Safe Routes to School Program.

Your Committee received written comments in support of this measure from the Department of Transportation Services of the City and County of Honolulu.

Your Committee finds that participation in the Safe Routes to School Program can help to improve the health, safety, and independence of children in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 81 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1825 Ways and Means on S.C.R. No. 86

The purpose and intent of this measure is to request the Department of Business, Economic Development, and Tourism to study potential industries, other than tourism, to promote economic development in the County of Hawaii and submit a report to the Legislature of its findings and recommendations.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism and Hawaii Technology Development Corporation.

Your Committee finds that the County of Hawaii's land availability and low land costs, in comparison with other locations of the State, make the County a promising home for an emerging manufacturing industry. Your Committee further finds that a study by the Department of Business, Economic Development, and Tourism on potential industries of the County of Hawaii will help establish policies to guide the diversification of businesses in the area.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 86 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1826 Ways and Means on S.C.R. No. 92

The purpose and intent of this measure is to encourage the Hawaii Community Development Authority to prioritize investment in public facilities in transit-oriented development zones and the Kalaeloa Community Development District.

Your Committee received written comments in support of this measure from Hunt Development Group, LLC.

Your Committee finds that the installation of certain facilities in transit-oriented development zones and the Kalaeloa Community Development District will help to diminish obstacles to the development of those areas.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 92, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1827 (Joint) Judiciary and Ways and Means on S.C.R. No. 12

The purpose and intent of this measure is to request members of the United States Congress to amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii; Pride at Work Hawaii; O'ahu County Democrats Legislative Priorities Committee; Hawai'i Women Lawyers; Fujiwara and Rosenbaum, LLLC.

Your Committees find that many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings. Your Committees further find that arbitration agreements frequently contain secrecy requirements which further disserve the public interest by keeping the harassment complaints and any settlements confidential. Your Committees further find that the United States Senate and House of Representatives are considering legislation to address the issue of forced arbitration and secrecy in sexual harassment and sexual assault cases and thereby enable victims to seek redress in the courts. This measure encourages the United States Congress to further consider and advance those legislative efforts.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 12 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1828 (Joint) Judiciary and Ways and Means on S.R. No. 11

The purpose and intent of this measure is to request members of the United States Congress to amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

Your Committees received testimony in support of this measure from the Hawaii Civil Rights Commission; O'ahu County Democrats Legislative Priorities Committee; Hawaii Women Lawyers; and Fujiwara and Rosenbaum, LLLC.

Your Committees find that many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings. Your Committees further find that arbitration agreements frequently contain secrecy requirements which further disserve the public interest by keeping the harassment complaints and any settlements confidential. Your Committees further find that the United States Senate and House of Representatives are considering legislation to address the issue of forced arbitration and secrecy in sexual harassment and sexual assault cases and thereby enable victims to seek redress in the courts. This measure encourages the United States Congress to further consider and advance those legislative efforts.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 11 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1829 Housing on S.C.R. No. 147

The purpose and intent of this measure is to encourage the Hawaii Housing Finance and Development Corporation to reevaluate the rental assistance program.

Your Committee received testimony in support of this measure from PHOCUSED, O'ahu County Democrats Legislative Priorities Committee, and one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that affordable housing remains one of the most pressing issues in the State. The state rental assistance program provides qualified rental project owners with monthly rental assistance subsidies to assist eligible tenants to make their rental payments. Your Committee further finds that since its inception, the rental assistance program has provided rental assistance subsidies for 1,437 units in 17 affordable rental projects statewide. However, older project contracts have expired and with a lack of resources for new projects, only 10 projects remain in the program, with a total of 1,204 assisted units. Rental subsidies are critical to address the lack of affordable housing. Your Committee believes that the rental assistance program should be reevaluated to provide more assistance to address the lack of affordable housing.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 147 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1830 Housing on S.R. No. 114

The purpose and intent of this measure is to encourage the Hawaii Housing Finance and Development Corporation to reevaluate the rental assistance program.

Your Committee received testimony in support of this measure from PHOCUSED, O'ahu County Democrats Legislative Priorities Committee, and one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that affordable housing remains one of the most pressing issues in the State. The state rental assistance program provides qualified rental project owners with monthly rental assistance subsidies to assist eligible tenants to make their rental payments. Your Committee further finds that since its inception, the rental assistance program has provided rental assistance subsidies for 1,437 units in 17 affordable rental projects statewide. However, older project contracts have expired and with a lack of resources for new projects, only 10 projects remain in the program, with a total of 1,204 assisted units. Rental subsidies are critical to address the lack of affordable housing. Your Committee believes that the rental assistance program should be reevaluated to provide more assistance to address the lack of affordable housing.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 114 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 1831 (Majority) Ways and Means on S.C.R. No. 108

The purpose and intent of this measure is to urge the Department of Parks and Recreation of the City and County of Honolulu to partner with a reputable non-profit organization to design, finance, construct, and operate a racetrack facility on closed military air field land in Kalaeloa.

The measure also requests the Department of Public Safety and Department of Business, Economic Development, and Tourism to facilitate and approve the racetrack's development.

Your Committee received written comments in support of this measure from the University of Hawaii at Manoa Rainbow Warrior Racing Team; Drag Racers Against Graffiti and Gangs; Asbestos Analytical and Consultants; Sports Car Club of America Hawaii; Naval Air Station Barbers Point Museum; First Life After Prison; Yamas Automotive Repair, LLC; Corvette Club of Hawaii; Cobra Club of Hawaii; Miata Club of Hawaii; Wicked Stangs of Hawaii; and numerous individuals.

Your Committee received written comments in opposition to this measure from the Save Ewa Field Kanehili Cultural Hui, Ka Makana Neighborhood Security Watch, Kapolei-Makakilo-Honokai Hale Neighborhood Board #34 Transportation Committee, Friends of Makakilo, Veterans of Foreign Wars of Hawaii, Hawaii's Thousand Friends, and three individuals.

Your Committee finds that similar racetracks exist on donated closed air field land in the Counties of Hawaii, Maui, and Kauai.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 108 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 8; Ayes with Reservations (Moriwaki, Riviere, Shimabukuro). Noes, 1 (Fevella). Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1832 Ways and Means on S.C.R. No. 115

The purpose and intent of this measure is to request the Governor to prioritize the planting of four million trees along streets and roadways within the next four years.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and five concerned individuals.

Your Committee finds that planting additional trees along streets and roadways will help to make streets safer by slowing traffic, and will reduce urban heat, reduce stormwater runoff and erosion, improve air quality, and sequester additional carbon dioxide from the atmosphere.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 115 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1833 Ways and Means on S.C.R. No. 118

The purpose and intent of this measure is to request the Department of Agriculture to explore ways to support Hawaii's dairy industry by designating areas in each county for dairy operations and developing incentives to increase dairy operations in the State.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Farm Bureau, and one individual.

Your Committee received written comments in opposition to this measure from Animal Rights Hawaii, Keiko Conservation, Aloha Animal Advocates, Pele Lani Farm LLC, and four individuals.

Your Committee finds that this measure addresses the decline in dairy operations in the State, aims to reduce reliance on imported dairy products, and aligns with the statewide goal of increasing local food production.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 118, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 1834 Ways and Means on S.C.R. No. 119

The purpose and intent of this measure is to explore alternatives to current renewable energy and agricultural operations by requesting the State Energy Office, in collaboration with the Department of Agriculture, to create and implement a strategic plan to increase renewable energy and local food production and create an economic impact report based on implementation of the strategic plan.

Your Committee received written comments in support of this measure from the Hawaii Farm Bureau and Ka Ohana O Na Pua.

Your Committee received written comments on this measure from the Department of Agriculture and Life of the Land.

Your Committee finds that this measure aligns with both the State's renewable energy and local food production goals by encouraging action that will contribute to the State's energy and agricultural self-sufficiency, security, and resilience.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 119, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1835 Ways and Means on S.C.R. No. 121

The purpose and intent of this measure is to request the Department of Human Resources Development to establish a pilot program to train prospective employees for success in employment with the State.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that a pilot fellowship program has the potential to provide the State an additional source for recruiting, promoting, and retaining government employees.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 121, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1836 Ways and Means on S.C.R. No. 123

The purpose and intent of this measure is to increase the number of people prepared to enter public safety and resources enforcement careers by urging the Department of Public Safety and Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources to strengthen and enhance the school-to-career pipeline for positions in public safety and resources enforcement.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that by raising awareness regarding possible careers in public safety and resources enforcement, this measure helps to reduce state job vacancies and increase employee retention.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 123, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1837 Ways and Means on S.C.R. No. 124

The purpose and intent of this measure is to urge the Governor to establish and implement a tree planting program to plant at least one million new native trees per year over the next four years.

Your Committee received written comments in support of this measure from eight concerned individuals.

Your Committee received written comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are more than one hundred eighty thousand acres in the Forest Reserve System that would benefit from the planting of approximately five to seven million trees. If planted, these additional trees will improve watershed health and sequester millions of tons of carbon dioxide.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 124, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1838 Ways and Means on S.C.R. No. 125

The purpose and intent of this measure is to increase the number of qualified individuals in the areas of facilities maintenance and construction management in the State.

More specifically, this measure urges the University of Hawaii, in consultation with its facilities offices, the Department of Accounting and General Services, and industry representatives, to develop an integrated plan to provide certificates, degrees, and associated pathways in the areas of facilities maintenance and construction management.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee finds that the State currently lacks a formal training pipeline for building facilities maintenance and construction management positions. Your Committee further finds that increasing the number of qualified individuals in these areas can help to address the State's shortage of qualified candidates for numerous vacant building facility manager and maintenance worker positions across the public and private sectors.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 125 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1839 Ways and Means on S.C.R. No. 126

The purpose and intent of this measure is to encourage the expansion of the aquaculture industry in Hawaii, specifically through the transfer of certain University of Hawaii College of Tropical Agriculture and Human Resources land parcels to the Agribusiness Development Corporation for the purposes of establishing aquaculture production on those lands.

Your Committee received written comments in support of this measure from the Department of Agriculture, University of Hawaii, Hawaii County Council, Ka Ohana O Na Pua, and Hawaii Farm Bureau.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that this measure aims to reduce reliance in the State on imported seafood and aligns with the statewide goal of increasing local food production through expansion of Hawaii's aquaculture industry.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 126 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1840 Ways and Means on S.C.R. No. 154

The purpose and intent of this measure is to ensure transparency and accountability in the administration of University of Hawaii programs meant to benefit students.

Specifically, this measure requests the University of Hawaii Office of Internal Audit to conduct an audit of various programs at the University of Hawaii, West Oahu, that receive extramural funding, including Title III grant funding.

Your Committee received written comments in support of this measure from the University of Hawaii.

Your Committee finds that an audit of the various University of Hawaii, West Oahu, programs that receive extramural funding will help to ensure that the campus is appropriately using this funding for the benefit of students.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 154 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1841 Ways and Means on S.C.R. No. 164

The purpose and intent of this measure is to grant legislative approval to amend an easement for a portion of state submerged lands located seaward of Spreckelsville, Wailuku, Maui.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to dispose of state submerged lands. The Board has increased the area of a previously issued easement on the property identified as Tax Map Key: (2) 3-8-002: seaward of 001, from 1,128 square feet, more or less, to 2,206 square feet, more or less, based on a finalized easement map. Your Committee further finds that this measure expresses the requisite legislative approval so that the existing easement may be amended to include this area. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement as consideration for the use of public lands.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 164 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1842 Ways and Means on S.C.R. No. 180

The purpose and intent of this measure is to support the development of a Hawaiian Language Plan to advance the use of the Hawaiian language in government services and transactions, private sector activity, tourism, and education in the State.

Your Committee received written comments in support of this measure from the Department of Education, Office of Hawaiian Affairs, and Kamehameha Schools.

Your Committee finds that this measure aims to preserve olelo Hawaii, an indigenous language of the State that is constitutionally-recognized as one of the State's official languages.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 180, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1843 Ways and Means on S.C.R. No. 184

The purpose and intent of this measure is to request the establishment of a working group to explore matters related to the Ala Wai Watershed, including the Ala Wai Canal Flood Risk Management Project.

Your Committee received written comments in support of this measure from four individuals.

Your Committee finds that this measure encourages dialogue and action to address community concerns regarding the Ala Wai Watershed.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 184, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1844 Ways and Means on S.C.R. No. 186

The purpose and intent of this measure is to support student involvement in the 2020 Hawaii-Asia Youth Program.

More specifically, this measure:

- (1) Urges the State to provide budgetary and fiscal support to the first group of ten students from Nanakuli High School and Waianae High School to participate in the 2020 Hawaii-Asia Youth Program; and
- (2) Encourages the Department of Education to work with the Center for Chinese Studies of the University of Hawaii at Manoa and Education Advancement Fund International to recruit students to participate in and to manage the logistics of the program.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that encouraging involvement in the 2020 Hawaii-Asia Youth Program will provide students with beneficial and unique educational experiences.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 186 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1845 Ways and Means on S.C.R. No. 188

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to complete the 2017 independent financial audit and management review of the office and its subsidiaries.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that an independent audit and management review are needed to identify areas of waste and inefficiency and to assist the Office of Hawaiian Affairs in the implementation of its mission.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 188 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 1846 Ways and Means on S.C.R. No. 190

The purpose and intent of this measure is to request the Department of Education to conduct and submit to the Legislature a study that assesses the adequacy of programs within the department that are designed to prepare students for vocational careers.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Union.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that many vocational career fields provide livable incomes for a number of the State's residents. Accordingly, your Committee finds that some students may benefit from the Department of Education's offering of courses and training in these fields.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 190 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1847 Ways and Means on S.C.R. No. 214

The purpose and intent of this measure is to encourage the Imiloa Astronomy Center to increase its educational efforts on Mauna Kea.

More specifically, this measure:

- (1) Encourages the Imiloa Astronomy Center to further develop and lead educational efforts on Mauna Kea at Hale Pohaku;
- Encourages the transfer of the University of Hawaii's educational outreach efforts and operations at Hale Pohaku to the Imiloa Astronomy Center;
- (3) Requests that the chancellors of the University of Hawaii at Manoa and the University of Hawaii at Hilo submit a report to the Legislature; and
- (4) Requests that existing astronomical facilities contribute financial capital resources to construct the Imiloa Uka facility at Hale Pohaku.

Your Committee received written comments in support of this measure from Pacific International Space Center for Exploration.

Your Committee finds that the Imiloa Astronomy Center has found success in engaging Native Hawaiian students and residents of the State through the incorporation of Hawaiian culture and history into its educational efforts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 214, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1848 Ways and Means on S.C.R. No. 20

The purpose and intent of this measure is to request the Department of Agriculture and Hawaii Tourism Authority to report to the Legislature on the processing of State of Hawaii plant and animal declaration forms, including the costs involved, and to convene a task force to review the form's efficacy.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Tourism Authority, Hawaii Farm Bureau, and ILWU Local 142.

Your Committee received written comments on this measure from the Department of Agriculture and Department of Business, Economic Development, and Tourism.

Your Committee finds that State of Hawaii plant and animal declaration forms completed by passengers arriving in Hawaii are a tool used to prevent the unintentional introduction of invasive plant and animal species into the State. More detailed information on the use and processing of the data collected by the forms may present opportunities to make the system more effective and cost-efficient.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 20, S.D. 1, and recommends its adoption.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1849 Ways and Means on S.C.R. No. 70

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to conduct an independent fiscal audit of all limited liability corporations created or controlled by the Office.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the transactions, accounts, procedures, and performance of limited liability corporations created by the Office of Hawaiian Affairs were not included in the scope of the Office of the Auditor's 2018 audit of the Office of Hawaiian Affairs. Accordingly, your Committee finds that an independent audit of these entities is necessary to understand the full scope of the Office's fiscal health.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 70 and recommends its adoption.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1850 Ways and Means on S.C.R. No. 71

The purpose and intent of this measure is to urge examination and consideration of a sliding scale tuition or fee schedule for state pre-kindergarten programs.

Your Committee received written comments in opposition to this measure from the Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that an exploration of means of funding for pre-kindergarten programs is appropriate.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 71 and recommends its adoption.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1851 Ways and Means on S.C.R. No. 89

The purpose and intent of this measure is to encourage the Department of Accounting and General Services to identify on-site energy production and energy conservation opportunities at the State Capitol that will respect the historic building and serve as an example of public renewable energy production.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services and the Department of Business, Economic Development, and Tourism.

Your Committee finds that making the Hawaii State Capitol an exemplification of the Governor and Legislature's on-site energy production and energy conservation principles will provide credibility and leadership in guiding the entire State to reach statutorily established renewable energy goals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 89, S.D. 1, and recommends its adoption.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

## SCRep. 1852 Ways and Means on S.C.R. No. 183

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue term, non-exclusive easements covering a portion of state submerged lands identified as Tax Map Key: (2) 3-9-11:8, situated at Waiohuli-Keokea (Kihei), Wailuku, Maui, Hawaii, for the use, maintenance, and repair of the existing seawall constructed thereon.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for this disposition of state submerged lands.

Your Committee also finds that on August 25, 2017, under agenda item D-9, and on October 12, 2018, under agenda item D-5, the Board of Land and Natural Resources approved the issuance of term, non-exclusive easements to resolve the encroachments of the existing seawall areas identified in this measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 183 and recommends its adoption.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1853 Judiciary on H.B. No. 201

The purpose and intent of this measure is to clarify that certain agencies and its employees have the authority to enter private property to control and eradicate invasive species when there is a reasonable suspicion that invasive species are present.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Office of the Mayor of the County of Hawai'i; Maui Chamber of Commerce; Hawaiian Electric Company, Inc.; and two individuals. Your Committee received testimony in opposition to this measure from Animal Rights Hawai'i.

Your Committee finds that invasive species are persistent and an ongoing issue that is detrimental to the State's various industries, ecosystem, and quality of life. Invasive species can swiftly and permanently alter the ecosystem of the State if not effectively and efficiently eradicated. Your Committee further finds that it is critically important to address a new invasive pest species as soon as it is detected to ensure the protection of the State's ecosystem. This measure will clarify the power of an authorized agent to enter private property when there is reasonable suspicion that an invasive species is present to ensure the rapid and complete removal of such species and pests.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 201, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kim).

### SCRep. 1854 Judiciary on H.B. No. 6

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that adopts uniform laws on protecting the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions.

Your Committee received testimony in support of this measure from the Department of Education, Commission to Promote Uniform Legislature, Hawai'i Civil Rights Commission, and University of Hawai'i System. Your Committee received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committee finds that privacy is a growing concern as social media use rises and employers increasingly ask current and prospective employees to grant the employer access to social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students.

Your Committee further finds that employers and educational institutions have the power to coerce access to non-public information of prospective and current employees and students' personal online accounts. Allowing access to non-public online information to those who have leverage over a person's education and livelihood may lead to discrimination, self-censorship, and the chilling of free expression. This measure protects employee and student online account information from the demands of employers and educational institutions while ensuring that employers and educational institutions are able to address non-compliance with laws and regulations that directly impact them.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 6, H.D. 3, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Wakai).

# SCRep. 1855 Judiciary on H.B. No. 1035

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Animal Rights Hawai'i, Pono Advocacy, West Hawaii Humane Society, For the Fishes, Hawaiian Humane Society, The Humane Society of the United States, Oahu County Democrats Legislative Priorities Committee, and two individuals.

Your Committee finds that the Interstate Wildlife Violator Compact is a multistate agreement that promotes enforcement of hunting, fishing, trapping, and other wildlife related regulations across jurisdictions. Forty-eight states have passed legislation necessary to join the Interstate Wildlife Violator Compact, whereby persons who have had their licenses revoked in one state are prohibited from engaging in those licensed activities in another state that is part of the compact agreement. This measure will allow the Department of Land and Natural Resources to enhance hunting, fishing, and other wildlife protection enforcement efforts.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1035, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1856 Judiciary on H.B. No. 720

The purpose and intent of this measure is to strengthen the system of firearm reporting in the State by requiring firearm owners to report lost, stolen, or destroyed firearms.

Your Committee received testimony in support of this measure from the County of Hawai'i Office of the Mayor, City and County of Honolulu Police Department, O'ahu County Democrats Legislative Priorities Committee, and two individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Institute for Rational and Evidence-Based Legislation, and twenty-three individuals.

Your Committee finds that access to accurate information in the national and local databases for lost, stolen, or destroyed firearms enhances police officer safety in situations involving firearm ownership and possession issues. This information allows police officers to timely investigate and seize lost and stolen weapons quickly and surely. Your Committee further finds that law enforcement officers must have knowledge and an accurate record of lost, stolen, or destroyed firearms to protect the public.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 720, H.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1857 Judiciary on H.B. No. 665

The purpose and intent of this measure is to specify that a health care provider is not required to consult the electronic prescription accountability system:

- (1) In an in-patient setting when the system is consulted at the time the patient is initially admitted to a hospital and the prescription will be directly administered under the supervision of a health care provider;
- (2) For patients in post-operative care with a prescription limited to a three-day supply; and
- (3) For patients with a terminal disease receiving hospice or other palliative care.

Your Committee received testimony in support of this measure from the Healthcare Association of Hawaii, Kaiser Permanente, Adventist Health Castle, The Queen's Health Systems, Hawaii Medical Association, Hawai'i Pacific Health, and O'ahu County Democrats Legislative Priorities Committee. Your Committee received comments on this measure from the Drug Policy Forum of Hawaii.

Your Committee finds that the Prescription Drug Monitoring Program, commonly known as the PDMP, is an effective tool to identify and prevent opioid or other substance misuse issues or unintended drug interactions. However, patients who are terminally ill and receiving palliative care, certain post-operative patients, or patients in an in-patient setting face a lower risk of opioid abuse

compared to other opioid users. Your Committee further finds that by exempting PDMP queries for post-operative patients prescribed a three-day or less supply of drugs, patients receiving prescriptions administered directly by health care providers, and terminally ill patients receiving hospice or other palliative care, this measure may increase compliance and efficiency of PDMP usage by providers and reduce obstacles to care for these specific patient populations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 665, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1858 Judiciary on H.B. No. 941

The purpose and intent of this measure is to:

- (1) Allow an employee's designation of beneficiary form to be kept in the department where the employee is employed; and
- (2) Permit the designation of beneficiary information to be filed and maintained electronically.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services.

Your Committee finds that existing law regarding the filing of state employees' designation of beneficiary forms has resulted in thousands of forms being maintained in a central location at the Department of Accounting and General Services. The maintenance and upkeep of these forms is manual and extremely labor intensive. By having the forms kept in the employing department, personnel forms can be routinely discarded or updated in a timelier and more efficient manner. Additionally, allowing the designation of beneficiary information to be filed and maintained electronically will provide employees with direct accessibility to important beneficiary designation options.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 941, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

### SCRep. 1859 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 554 and 555

Recommending that the Senate advise and consent to the nominations of the following:

### BOARD OF DIRECTORS OF THE NATURAL ENERGY LABORATORY OF HAWAI'I

G.M. No. 554 CYD MIYASHIRO, for a term to expire 06-30-2019; and

G.M. No. 555 CYD MIYASHIRO, for a term to expire 06-30-2023

Your Committee has reviewed the resume submitted by Cyd Miyashiro for service on the Board of Directors of the Natural Energy Laboratory of Hawaii Authority.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Cyd Miyashiro from the Office of Planning; Department of Business, Economic Development, and Tourism; Hawaii Strategic Development Corporation; Natural Energy Laboratory of Hawaii Authority; and four individuals.

Upon review of the testimony, your Committee finds that Ms. Miyashiro's experience, commitment to public service, and proven leadership qualify her for service on the Board of Directors of the Natural Energy Laboratory of Hawaii Authority. Your Committee notes that Ms. Miyashiro has professional experience as the Vice President of Corporate Banking at American Savings Bank, Hawaii Broadband Initiative Strategy Officer for the Department of Business, Economic Development, and Tourism, and acting Executive Director for the Hawaii Green Infrastructure Authority. Furthermore, Ms. Miyashiro is a business representative member of the Hawaii Interagency Council for Transit-Oriented Development. Your Committee further finds that Ms. Miyashiro's finance, energy, and private sector business experience will be crucial to the Natural Energy Laboratory of Hawaii maintaining its self-sufficiency and operating with a strong, business-oriented perspective.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

# SCRep. 1860 Judiciary on H.B. No. 336

The purpose and intent of this measure is to:

- (1) Require the Director of Public Safety, in the event of the death of an inmate who is in a state or contracted correctional facility, or death of a correctional facility or community correctional center employee, to report to the Governor, who shall then report to the Legislature, certain information regarding the death, subject to state and federal laws; and
- (2) Require the Department of Public Safety to preserve any forensic evidence consisting of human biological specimens if there is any indication of sexual assault leading to the death.

Your Committee received testimony in support of this measure from the Department of Public Safety, Office of Hawaiian Affairs, Community Alliance on Prisons, Planned Parenthood Votes Northwest and Hawaii, and three individuals.

Your Committee finds that the death of an inmate or an employee at a state or contracted correctional facility is a serious matter of concern. Your Committee further finds that transparency in the investigation of deaths and sexual assaults at correctional facilities is vital to their just and proper administration. This measure will improve transparency and urgency in the procedures surrounding the deaths and sexual assaults of inmates and correctional employees by requiring the Director or Department of Public Safety to expediently report inmate and employee deaths to the Governor, who shall then report to the Legislature; provide an annual report of inmate and employee sexual assaults; and preserve forensic evidence if there is any indication of sexual assault leading to the person's death. Your Committee notes, however, that clinical mortality reviews at correctional facilities follow a procedure that renders delivery of such a report impossible within the forty-eight hours required by this measure.

Accordingly, your Committee has amended this measure by:

- Requiring the report on the clinical mortality review to be submitted within thirty days of a death instead of within forty-eight hours; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 336, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 336, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1861 Judiciary on H.B. No. 754

The purpose and intent of this measure is to:

- (1) Establish a framework for the Department of Transportation and the counties to regulate electric foot scooters;
- (2) Add a definition of "electric foot scooter" and include electronic foot scooters as bicycles for certain laws;
- (3) Amend definitions of "moped", "motor vehicle", "rental motor vehicle", and "vehicle" to exclude electric foot scooters; and
- (4) Prohibit use of electric foot scooters to individuals under the age of fifteen.

Your Committee received testimony in support of this measure from the Department of Transportation; County of Kauai; Department of Transportation Services of the City and County of Honolulu; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; and Young Democrats of Hawaii.

Your Committee finds that shared micromobility vehicles, including bicycles, e-bikes, and electric foot scooters, are more frequently becoming part of multimodal transportation systems. Your Committee further finds that although electric foot scooters are becoming increasingly common, they are not adequately regulated under existing law. Your Committee additionally finds that electric foot scooters are vehicles but are not bicycles, and that applying bicycle regulations to electric foot scooters is not optimal.

Accordingly, your Committee has amended this measure by:

- (1) Establishing a regulatory framework specifically for electric foot scooters as vehicles instead of regulating electric foot scooters in a manner similar to bicycles; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee also notes that the definition of "electric foot scooters" provided in this measure is extremely broad and could potentially be interpreted to include certain types of children's toys, and that narrowing this definition may merit further discussion as this measure proceeds in the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 754, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 754, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1862 Commerce, Consumer Protection, and Health on H.B. No. 499

The purpose and intent of this measure is to correct labeling dimensions for display fireworks, articles pyrotechnic, or aerial devices.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, County of Hawai'i Fire Department, Kaua'i Fire Department, and one individual.

Your Committee finds that labeling dimensions for display fireworks, articles pyrotechnic, and aerial devices originally codified into existing law are incorrect and need clarification. This measure corrects the labeling requirement dimensions, which will allow labels to be placed on smaller-sized pyrotechnic devices, and conforms with industry standard code.

Your Committee has amended this measure by inserting an effective date of July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 499, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 499, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Fevella).

#### SCRep. 1863 Commerce, Consumer Protection, and Health on H.B. No. 556

The purpose and intent of this measure is to:

- (1) Establish minimum appliance efficiency standards for certain products sold or installed in the State; and
- (2) Require the Public Benefits Fee Administrator to educate and train appliance manufacturers, distributors, and retailers about the appliance efficiency standards.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Public Utilities Commission; City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency; County of Kaua'i Office of Economic Development; City and County of Honolulu Board of Water Supply; O'ahu County Democrats Committee on Legislative Priorities; Young Democrats of Hawaii; Americans for Democratic Action Hawai'i; Hawai'i Energy; 350Hawaii; California Energy Commission; Consumer Federation of America; Environment America; Blue Planet Foundation; Sierra Club of Hawai'i; Natural Resources Defense Council; Elemental Excelerator; Ulupono Initiative; and twenty individuals. Your Committee received testimony in opposition to this measure from Retail Merchants of Hawaii, Information Technology Industry Council, and Plumbing Manufacturers International. Your Committee received comments on this measure from the Consumer Technology Association.

According to testimony received by your Committee, Hawaii residents pay double or triple what residents of other states pay for their energy, and the potential savings from appliance efficiency standards are substantial. State-level standards for minimum energy and water efficiency can collectively save Hawaii consumers and businesses more than \$38 million annually in utility bills by 2025, with annual savings expected to grow to over \$75 million by 2035, adding dollars to consumers' pockets and benefiting the economy.

Additionally, recommended appliance efficiency standards would annually prevent sixty-one thousand metric tons of carbon pollution, the equivalent of taking over thirteen thousand cars off the road. Furthermore, a recent study found that one-third of Hawaii's clean energy goals could be reached through adoption of new appliance standards and implementation of updated building codes. Your Committee further finds that appliances meeting the efficiency standards are readily available from multiple manufacturers. Other states with larger markets, like California, have already accomplished significant work in setting the appropriate standards and shifting manufacturers' behaviors and compliance. Adopting appliance efficiency standards in the State will promote the acceleration of Hawaii's clean energy goals, benefit consumers by reducing energy costs, and help to reduce greenhouse gas emissions.

Your Committee further notes that this measure incorporates certain sections of the California Code of Regulations by reference, which could make Hawaii law subject to change via an administrative process in California without meaningful public notice to residents in Hawaii. Therefore, amendments are necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have defined specific terms;
- (2) Clarifying that the Department of Business, Economic Development, and Tourism shall adopt rules on minimum appliance efficiency standards that are substantially equivalent to the existing appliance efficiency standards established in California, and outlining factors to be used in the Department's determination when setting minimum efficiency standards, rather than requiring the Director of Business, Economic Development, and Tourism to adopt standards based on California regulations incorporated into the Hawaii Revised Statutes by reference;
- (3) Clarifying that the Department of Business, Economic Development, and Tourism may adopt by rule a more recent version of an efficiency standard to maintain or improve consistency with the California appliance efficiency standards; provided that:
  - (A) The resulting efficiency is equal to or greater than the efficiency achieved using the prior standard; and
  - (B) There is a one-year delay between the adoption of a rule and the enforcement of any new efficiency standard;
- (4) Clarifying the scope of the appliance efficiency rules to be adopted by the Department of Business, Economic Development, and Tourism;
- (5) Removing language that would have established specific appliance energy standards for certain products, provided protection against repeal of federal regulations, and established testing, certification, and labeling requirements for products to determine compliance;
- (6) Clarifying the dates upon which products and appliances that are sold, leased, rented, or installed in the State must meet or exceed the efficiency standards established by this measure;
- (7) Removing language that would have required the Public Benefits Fee Administrator to educate and train appliance manufacturers, distributors, and retailers of appliances covered under the efficiency standards established by this measure;
- (8) Updating the purpose section;
- (9) Inserting an effective date of July 1, 2019; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this amended measure grants the Department of Business, Economic Development, and Tourism the authority to update the Department's administrative rules as necessary to keep pace with California standards, without the need to approach the Legislature every time an appliance efficiency standard changes, while still providing meaningful notice to the public regarding any changes.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 556, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 556, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

### SCRep. 1864 Commerce, Consumer Protection, and Health on H.B. No. 1157

The purpose and intent of this measure is to exempt students in post-secondary education programs from immunization requirements if they attend classes exclusively online or through distance learning, under certain conditions.

Your Committee received testimony in support of this measure from the University of Hawai'i System and O'ahu County Democrats Committee on Legislative Priorities. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that colleges and universities are offering increasing numbers of courses and programs online. As methods of educational delivery change, certain requirements that have been traditionally imposed on students, such as immunizations, may not be as relevant as they are for students receiving traditional classroom instruction. Your Committee further finds that the Department of Health is proposing a rule change to exempt post-secondary students who are enrolled in exclusively online courses or degree programs from the current immunization requirements. However, the Department's proposed rule change may not be adopted in time for the fall 2019 semester. This measure therefore provides an exemption from the immunization requirements for these students in a timely manner.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1157, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1157, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ruderman). Noes, none. Excused, 2 (Chang, Fevella).

### SCRep. 1865 Commerce, Consumer Protection, and Health on H.B. No. 270

The purpose and intent of this measure is to:

- (1) Define "flood damage" as it relates to a rebuilt vehicle; and
- (2) Expand the definition of "rebuilt vehicle" to include vehicles that have been rebuilt after sustaining flood damage or material damage to the vehicle's electronics.

Your Committee received testimony in support of this measure from the Department of Transportation, State Farm Mutual Automobile Insurance Company, and Insurance Auto Auctions.

Your Committee finds that under existing law, a vehicle that is declared a total loss can only be subject to a branded "rebuilt vehicle" title if there is material damage to its frame, unitized structure, or suspension system, and the cost to repair is greater than the vehicle's market value. When an automobile insurer makes this determination, and the car is subsequently rebuilt, it must be branded with a "rebuilt title", which warns future purchasers that the car has been declared a total loss and might have hidden defects that could affect its safe operation. However, existing law does not require a car that has sustained significant flood damage and likewise been declared a total loss to be similarly branded since the existing definition of "rebuilt vehicle" does not include flood damage or damage to a car's electronics. Because modern cars are equipped with electronics and advanced technology, this measure corrects this oversight by adding flood damage and damage to a vehicle's electronics to the determination of total loss for titling purposes. This is a consumer protection and safety issue, and is particularly relevant in Hawaii where severe storms and salt water can and do cause flood damage to vehicles and vehicle electronics.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "flood damage" to include potential areas of a vehicle where damage may occur;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 270, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 270, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Fevella).

### SCRep. 1866 Commerce, Consumer Protection, and Health on H.B. No. 1305

The purpose and intent of this measure is to authorize the State and electrical and natural gas utilities to enter into a mutual assistance agreement with an out-of-state utility to assist in the restoration of electrical or natural gas power following a natural disaster or emergency.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Hawaiian Electric Company, Inc.; Hawaii Gas; and O'ahu County Democrats Committee on Legislative Priorities.

Your Committee finds that after an emergency or natural disaster that has caused damage to electric grids or utility gas infrastructure, urgent repairs are needed to restore utility services to Hawaii customers. Mutual assistance agreements are a mechanism to allow qualified utility workers and employees from out-of-state utilities to assist Hawaii's electric and natural gas utilities with safe and timely restoration efforts. This measure provides certain exemptions and exceptions to laws, rules, regulations, and orders in limited circumstances that may otherwise slow or hinder out-of-state assistance during times of emergency.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1305, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1305, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Chang, Fevella).

### SCRep. 1867 Judiciary on H.B. No. 218

The purpose and intent of this measure is to grant the Circuit Court, when sentencing a minor for a criminal offense, the discretion to:

- (1) Impose a sentence that includes a period of incarceration that is as much as fifty percent shorter than any mandatory minimum; and
- (2) In certain cases, decline to impose a mandatory enhanced sentence.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Human Rights for Kids, Oʻahu County Democrats Committee on Legislative Priorities, and one individual. Your Committee received testimony in opposition to this measure from the Honolulu Police Department.

Your Committee finds that the Supreme Court of the United States noted in *Miller v. Alabama*, 567 U.S. 460 (2012), that "only a relatively small proportion of adolescents" who engage in illegal activity "develop entrenched patterns of problem behavior", and "developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds", including "parts of the brain involved in behavior control." Your Committee further finds that children and adolescents are generally more easily influenced by peers, less able to fully understand the consequences of their actions, and more responsive to rehabilitation than fully mature adults. Your Committee additionally finds that lengthy periods of incarceration expose minors to significant negative influences and can severely interfere with their ability to learn from their misdeeds and develop into lawful members of society. This measure grants the Circuit Court the discretion to impose reduced sentences, below mandatory enhanced sentences in certain cases, when sentencing a minor for a criminal offense.

Your Committee has amended this measure by removing the exemption to the judicial discretion proposed by this measure in cases of conviction for a felony that is a violent crime or that resulted in serious bodily injury.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 218, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 218, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1868 Ways and Means on H.B. No. 510

The purpose and intent of this measure is to appropriate funds for the operating and capital improvement costs of the Judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee received written comments in support of this measure from the Judiciary; Appellate Section of the Hawaii State Bar Association; Volunteer Legal Services Hawai'i; Legal Aid Society of Hawai'i; KAI LAW, LLC; Maui County Bar Association; Hawaii State Bar Association; West Hawaii Bar Association; and two individuals.

Your Committee notes that the Judiciary requested an increase of \$8,446,934 in general funds in fiscal year 2019-2020, and \$9,409,629 in general funds in fiscal year 2020-2021. Your Committee has approved full-year funding for newly established positions, resulting in an appropriation of \$8,815,397 in general funds for fiscal year 2019-2020, and \$8,946,690 in general funds for fiscal year 2020-2021.

Your Committee also approved the authorization of \$12,595,000 in general obligation bond funds for fiscal year 2019-2020, and \$9,343,000 in general obligation bond funds for fiscal year 2020-2021.

Your Committee also made technical nonsubstantive changes to this measure for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 510, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 510, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

### SCRep. 1869 Ways and Means on H.B. No. 172

The purpose and intent of this measure is to appropriate funds for the Fiscal Biennium 2019-2021 operating budget of the Office of Hawaiian Affairs.

Your Committee received written comments in support of this measure from Office of Hawaiian Affairs; Kamehameha Schools; The Queen's Health Systems; Council for Native Hawaiian Advancement; Kuaʻāina Ulu 'Auamo; Kanu o ka 'Āina Learning 'Ohana; Oahu County Democrats Legislative Priorities Committee; The Association of Hawaiian Civic Clubs; Prince Kūhiō Hawaiian Civic Club; and numerous individuals.

Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that the Office of Hawaiian Affairs is a semi-autonomous state agency established by the Hawaii State Constitution whose mandate is to better the conditions of Native Hawaiians. Your Committee further finds that the appropriations made by this measure will help the Office of Hawaiian Affairs to fulfill this mandate.

Your Committee has amended this measure by:

- (1) Changing the amounts appropriated or authorized to the amounts proposed as the measure was introduced; and
- (2) Making technical non-substantive changes for purposes of clarity and consistency.

Your Committee respectfully requests that the Committee on Conference convened for this measure examine the general fund subsidy that is provided to the Office of Hawaiian Affairs. Specifically, your Committee notes that the Office of Hawaiian Affairs currently has a large, unused balance of trust funds under its control.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 172, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 172, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1870 Judiciary on H.B. No. 483

The purpose and intent of this measure is to:

- Incorporate federal law regarding social groups and youth services organizations and same-sex living facilities into Act 110, Session Laws of Hawaii 2018;
- (2) Extend the deadline for the Legislative Reference Bureau to complete the study requested by Act 110, Session Laws of Hawaii 2018, on existing federal Title IX enforcement practices and procedures on the federal level and in other jurisdictions; and
- (3) Require the Legislative Reference Bureau to submit a report to the Legislature no later than August 1, 2019.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work Hawaii, American Association of University Women of Hawaii, Healthy Mothers Healthy Babies, League of Women Voters of Hawaii, The Sex Abuse Treatment Center, Oahu County Democrats Committee on Legislative Priorities, Midwives Alliance of Hawaii, and seven individuals. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that although Title IX of the Education Amendments of 1972 prohibited discrimination on the basis of sex by any educational program or activity receiving federal funds, the efficacy of Title IX federal protections against sex discrimination in education has eroded over time. Your Committee further finds that Act 110, Session Laws of Hawaii 2018 (Act 110), was enacted as a corollary to Title IX in state law to prohibit discrimination on the basis of sex, including sexual orientation, gender identity, or gender expression, in any state educational program or activity, or in any educational program or activity that receives state financial assistance without regard to whether the educational program or activity also receives federal funds. Your Committee additionally finds that Act 110 also directs the Legislative Reference Bureau to conduct a study of existing federal Title IX procedures and enforcement in addition to examining Title IX corollaries in other jurisdictions. This measure updates Act 110 to be consistent with new protections under federal law and extends the deadline for the Legislative Reference Bureau to complete the Title IX study and report.

Your Committee has amended this measure by:

- Incorporating federal law regarding sex-restricted scholarships, fellowships, or other forms of financial assistance pursuant to a domestic or foreign will, trust, bequest, or similar instrument into Act 110; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 483, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 483, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1871 Judiciary on H.B. No. 615

The purpose and intent of this measure is to add a representative to the Board of Education by inviting the exclusive representative for Bargaining Unit (5) to appoint a nonvoting public school teacher representative to the Board.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, Education Caucus of the Democratic Party of Hawaii, Oʻahu County Democrats Legislative Priorities Committee, and four individuals. Your Committee received comments on this measure from the Hawaiʻi State Ethics Commission.

Your Committee finds that the Board of Education, consisting of nine members pursuant to the Hawaii State Constitution, is given the power to formulate statewide educational policy. Your Committee further finds that no member of the Board of Education is required to be a public school teacher. Your Committee additionally finds that having a current public school teacher serve as a nonvoting representative will provide valuable first-hand experience to the Board.

Your Committee notes that conflict of interest provisions apply to all state employees, including board and commission members, and that as such, language in this measure specifying that conflict of interest provisions apply to the public school teacher representative appointed to the Board of Education is redundant and unnecessary.

Your Committee has amended this measure by:

- (1) Removing language specifying that conflict of interest provisions apply to the public school teacher representative appointed to the Board of Education; and
- (2) Amending the purpose section to clarify that it does not affect the membership of the Board of Education.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 615, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 615, H.D. 3, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1872 Judiciary on H.B. No. 702

The purpose and intent of this measure is to prohibit the sale or offering for sale of location data collected using satellite navigation technology without the explicit consent of the individual who is the primary user of the satellite navigation technology-equipped device.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawai'i.

Your Committee finds that article I, section 6, of the Hawaii State Constitution provides that "[t]he right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest", and further provides that "[t]he legislature shall take affirmative steps to implement this right". Your Committee further finds that the sale of location data collected using satellite navigation technology without the consent of the user of the navigation technology-enabled device is a significant invasion of the privacy of the user. This measure prohibits such sales of location data.

Your Committee has amended this measure by:

- (1) Removing unnecessary language that prohibited the sale or offer for sale of location data "in any manner, or by any means";
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 702, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 702, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1873 Judiciary on H.B. No. 913

The purpose and intent of this measure is to allow the filing of documents with the Hawaii Labor Relations Board by either electronic means or original paper copy.

Your Committee received testimony in support of this measure from the Hawai'i Labor Relations Board. Your Committee received comments on this measure from the Disability and Communication Access Board.

Your Committee finds that under existing law, electronic filing of documents with the Hawai'i Labor Relations Board is not expressly allowed. Codifying the option to allow for electronic filing of documents would provide a faster and less expensive method of delivery. Your Committee further finds that the Hawai'i Labor Relations Board has already adopted rules to implement an electronic filing system, however the existing language in this measure is inconsistent with the rules.

Accordingly, your Committee has amended this measure by clarifying that:

- Electronic documents may be filed by electronic service through a company designated by the Hawai'i Labor Relations Board;
- (2) A document filed by electronic means shall be deemed an original document.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 913, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 913, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1874 Judiciary on H.B. No. 497

The purpose and intent of this measure is to establish a task force to examine the illegal import of fireworks and contraband into Hawaii

Your Committee received testimony in support of this measure from the Department of Public Safety; Hawaii State Fire Council; Fire Department of the County of Hawaii'i; American Promotional Events, Inc.; and three individuals. Your Committee received comments on this measure from the Legislative Reference Bureau, Matson Navigation, and one individual.

Your Committee finds that the unlawful use of fireworks creates public health hazards and strains emergency response capabilities of public safety agencies. Your Committee further finds that illegal fireworks are an ongoing issue in Hawaii, and that Act 170, Session Laws of Hawaii 2010 (Act 170), established an illegal fireworks task force, within the Legislative Reference Bureau for administrative purposes, to develop a plan and make recommendations to stop the importation of illegal fireworks and explosives into Hawaii; and develop a strategy to ensure the safety and security of the airports, harbors, and other facilities and institutions in Hawaii against the discharge of illegal fireworks and explosives. Your Committee additionally finds that Act 170 also mandated the task force to submit a preliminary plan and strategy report to the Legislature prior to the Regular Session of 2011. Your Committee further finds that this existing report provides a foundation for an updated examination of the illegal import of fireworks and other explosives into

Accordingly, your Committee has amended this measure by:

- (1) Removing language establishing a task force to examine the illegal import of fireworks and contraband into Hawaii; and
- (2) Requiring the Legislative Reference Bureau to update its Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 497, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 497, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

# CRep. 1875 (Joint) Government Operations and Ways and Means on H.B. No. 118

The purpose and intent of this measure is to repeal the requirement that the Auditor conduct an annual review of certain rapid transit authorities in the State.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 retained the contents of this measure and also inserted provisions that:

- (1) Add a purpose section to reflect its amended purpose;
- (2) Provide the Auditor with specific direction and scope to complete the audit authorized by Act 1, Special Session Laws of Hawaii 2017:
- (3) Require a contractor that may be engaged to perform portions of the audit to report certain information to the Auditor about the scope of the contractor's work and its progress;
- (4) Require the Auditor to report to the Legislature prior to the Regular Session of 2020;
- (5) Appropriate funds for the Auditor to complete an audit of the Honolulu Authority for Rapid Transportation;
- (6) Require the Comptroller to withhold vendor contract reimbursements until the Auditor has received all documents that pertain to the reimbursement request; and
- (7) Repeal the appointment of the two non-voting ex-officio members to the board of directors of the county's rapid transportation authority authorized by Act 1, Special Session Laws of Hawaii 2017.

Your Committees received comments on the proposed S.D. 1 from the Office of the Auditor.

Your Committees find that the rail project for the City and County of Honolulu, as undertaken by the Honolulu Authority for Rapid Transportation (Authority), is the largest public works project in state history. However, due to delays and cost overruns, the price tag for the project continues to rise and is now six years behind schedule. The State Auditor was instructed by the Legislature to audit the Honolulu Authority for Rapid Transportation. The Auditor has completed a number of reports related to the audit but has yet to complete the primary audit in its entirety. The Legislature also instructed the Comptroller to ensure that requests for payment for

capital costs incurred by the Authority meet the criteria to utilize the state surcharge specified in Act 1, Special Session Laws of Hawaii 2017 (Act 1). Your Committees note that the oversight of the current invoices has been implemented through the joint efforts of the Auditor and Comptroller. Your Committees acknowledge the need to avoid duplication of effort in the oversight duties of the Comptroller and Auditor but believe that the completion of the audit is essential to control costs and alleviate the financial burden placed upon taxpayers.

Your Committees also find that the Authority received three federal grand jury subpoenas in February 2019. Your Committees believe that the audit of the Honolulu Authority for Rapid Transportation as authorized in Act 1, can be completed separately from the federal investigation and can be accomplished in a manner that does not interfere with the current federal probe. The proposed S.D. 1 provides the Auditor with specific direction to complete the Act 1 audit, thereby ensuring continued accountability of the rail project without interfering in the federal investigation.

Your Committees also acknowledge the concerns of the Auditor regarding the lack of resources and time to complete the audit by 2020. Amendments to the proposed S.D. 1 are therefore needed.

Your Committees have amended this measure by adopting the proposed S.D. 1 and by making further amendments which:

- Require the Auditor to submit an interim report of the Auditor's preliminary findings and progress made on the audit to the Legislature, Director of Finance, and Board of Directors of the Honolulu Authority for Rapid Transportation no later than twenty days prior to the convening of the Regular Session of 2020; and
- (2) Require the Auditor to submit a final report of the Auditor's findings and recommendations to the Legislature, Director of Finance, and Board of Directors of the Honolulu Authority for Rapid Transportation no later than twenty days prior to the convening of the Regular Session of 2021.

As affirmed by the records of votes of the members of your Committees on Government Operations and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 118, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 118, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5; Ayes with Reservations (Inouye, Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 9; Ayes with Reservations (Inouye, Fevella). Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1876 Commerce, Consumer Protection, and Health on H.B. No. 61

The purpose and intent of this measure is to authorize condominium boards of directors to establish application schedules for excess amounts received, specifying that the excess amounts shall be applied to fines, legal fees, late fees, and interest as the last priority.

Your Committee received testimony in support of this measure from the Board of Directors of the Honolulu Tower Association of Apartment Owners, Hawaii Council of Associations of Apartment Owners, Community Associations Institute, and eleven individuals.

Your Committee finds that Act 195, Session Laws of Hawaii 2018 (Act 195), was intended to provide greater clarity regarding the application of common expense payments by condominium unit owners. However, Act 195 did not address situations that require the application of funds beyond common expenses. In particular, Act 195 has caused some confusion with regard to the general payment of association maintenance fees and sub-metered utility fees. Many associations buy electricity in bulk, then bill units based on their individual consumption. This results in savings on electricity rates and ensures that each user pays a fair share. According testimony received by your Committee, it is now unclear whether existing law allows condominium associations to collect these fees. Your Committee notes that unit owners within an association pay for many fees that are not common expenses, including ground lease rent, utility sub-metering, storage lockers, parking stalls, boat slips, insurance deductibles, among many others. Clarifying the ability of associations to collect and apply payments, and the application priority of those payments, is therefore important.

Your Committee notes the concerns raised in testimony that this measure classifies certain items as common expenses that would not otherwise be considered common expenses under existing law. Your Committee understands these concerns and concludes amendments to this measure are needed to prevent potential confusion or inconsistencies.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that any payments made by or on behalf of a unit owner must first be applied to outstanding common expenses that are assessed to all unit owners, after which a condominium association may apply other charges in accordance with an application of payment policy adopted by the board;
- (2) Allowing unit owners to designate payments for specific charges that are not common expenses, which payments may be applied accordingly to the owner's designation even if there are outstanding common expenses;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 61, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 61, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Fevella).

### SCRep. 1877 Commerce, Consumer Protection, and Health on H.B. No. 546

The purpose and intent of this measure is to:

- (1) Allow a small craft producer pub licensee to manufacture not more than 125,000 barrels of malt beverages on the licensee's premises during the license year;
- (2) Allow brewpub licensees and small craft producer pub licensees to conduct certain activities at satellite locations;
- (3) Clarify the definition of growler; and
- (4) Allow brewpub licensees and small craft producer pub licensees to obtain a direct wine or beer shipper permit.

Your Committee received testimony in support of this measure from the Hawaiian Craft Brewers Guild, Kauai Beer Company, Maui Brewing Co., Beer Lab Hawaii, Lanikai Brewing Company, Big Island Brewhaus, Honolulu BeerWorks, Kaua'i Island Brewing Co., and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Alcohol Policy Alliance and three individuals. Your Committee received comments on this measure from the City and County of Honolulu Liquor Commission and Hawaii Food Industry Association.

Your Committee finds that small craft breweries typically start with investing in a manufacturing location to begin production of their craft beer with a smaller, retail satellite location to follow, usually in a different county. Craft beer producers often want to sell their canned and bottled retail products at the second outlet where no manufacturing takes place. Requiring a retail site to hold a manufacturing license when no craft beer production occurs there is an extremely costly and complicated process. This measure addresses inconsistencies in existing law to ensure that a business manufacturing on one island can sell its products on another island under the proper license.

Your Committee further finds that the popularity of growlers, a type of container used to transport beer, continues to increase. Although growlers were originally made from glass, they are now made from a wider range of environmentally friendly reusable or recyclable materials. This measure simplifies and standardizes this term by defining growler to mean a recyclable or reusable container not to exceed one gallon.

Your Committee additionally finds that existing law already allows direct shipment of wine into and out of the State, but not beer or liquor. Restricting local manufacturers from delivering authentic Hawaiian products to out-of-state supporters can further limit local manufacturing and tax revenues for the State. This measure achieves parity across all categories of beverage alcohol and increases the viability of local, small craft breweries.

Your Committee has amended this measure by:

- (1) Clarifying that certain licensees may participate in the direct shipment of all forms of liquor, rather than just wine or beer;
- (2) Inserting an effective date of July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 546, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 546, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Nishihara).

### SCRep. 1878 (Joint) Education and Judiciary on H.B. No. 1485

The purpose and intent of this measure is to, beginning on January 1, 2020, establish a process for automatically preregistering or registering to vote public school-enrolled students who are at least sixteen years old.

Your Committees received testimony in support of this measure from the Department of Education; Office of Elections; Hawaii State Teachers Association; Americans for Democratic Action Hawai'i; Pono Hawai'i Initiative; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; League of Women Voters of Hawaii; Young Democrats of Hawai'i; Common Cause Hawaii; Sierra Club of Hawai'i; and three individuals. Your Committees received testimony in opposition to this measure from thirteen individuals.

Your Committees find that voter turnout in the State remains low and continues to decline. In 2016, Hawaii had the lowest voter turnout in the United States, and in 2018 general election, only 52.7 percent of registered Hawaii voters cast ballots. Your Committees further find that recent world events have ignited a passion in younger generations around civic engagement and have led many sixteen and seventeen year-olds to become passionate about voting. This measure allows students who are at least sixteen years of age to preregister or register to vote, empowering a new generation of lifelong voters and increasing voter participation and civic engagement.

Your Committees have amended this measure by:

- (1) Making the findings section more concise and succinct by deleting certain findings;
- (2) Inserting language that applies the automatic voter preregistration and registration provisions to charter school-enrolled students who are at least sixteen years old;
- (3) Specifying that the Superintendent of Education shall be authorized, rather than required, to transmit the voter registration affidavits of students to the clerk of the county in which the applicant resides;

- (4) Deleting language that would have required the clerk to determine whether an applicant is at least sixteen years of age and a citizen of the United States if the applicant is not currently preregistered or registered;
- (5) Deleting language that, under certain conditions, would have required the clerk to provide written notification to an applicant of the process to opt out of the automatic voter preregistration or registration;
- (6) Specifying that the Board of Education and Superintendent, in consultation with the Office of Elections, shall be authorized, rather than required, to adopt policies as necessary to maximize and facilitate the preregistration and registration of qualifying students to vote;
- (7) Specifying that the State Public Charter School Commission, in consultation with the Office of Elections, may adopt policies as necessary to maximize and facilitate the preregistration and registration of qualifying students to vote; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1485, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1485, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

# SCRep. 1879 (Joint) Commerce, Consumer Protection, and Health and Human Services on H.B. No. 471

The purpose and intent of this measure is to establish that a majority of currently serving Board members, but no fewer than eight, constitutes a quorum for the Policy Advisory Board for Elder Affairs.

Your Committees received testimony in support of this measure from the Executive Office on Aging and Policy Advisory Board for Elder Affairs.

Your Committees find that the Policy Advisory Board for Elder Affairs (Board) advises the Executive Office on Aging in a number of important areas, including identifying age-related issues and alternative solutions, producing position statements and papers, advocating legislative actions, and providing input on program development and operations. Your Committees further find that many Board members are elderly or live on neighbor islands, which helps ensure the Board represents the concerns facing different demographics of the State's population.

Your Committees recognize that having a large number of elderly and neighbor island members has made it difficult for the Board to meet the default quorum requirement of fifty percent of members plus one for every meeting. When the Board fails to meet quorum requirements, the state sunshine law mandates that the meeting cannot be held and minutes cannot be approved. Your Committees find that by establishing lower quorum requirements in its bylaws, the Board will be able to conform with the sunshine law and remain a strong advocate for the State's kupuna.

Your Committees have amended this measure by:

- Requiring the Board to establish quorum through its bylaws such that a majority of the currently serving members, but no fewer than eight members, shall constitute quorum;
- (2) Requiring the Board to make its bylaws available to the public on the Executive Office on Aging's website;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 471, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 471, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Keohokalole, Nishihara, Fevella). Human Services: Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1880 Commerce, Consumer Protection, and Health on H.B. No. 221

The purpose and intent of this measure is to:

- (1) Require the Board of Dentistry to adopt rules for the regulation of dental assistants using certification options based on education level and permitted duties; and
- (2) Require the Board of Dentistry to submit a report to the Legislature prior to the convening of the Regular Session of 2020.

Your Committee received testimony in support of this measure from the Board of Dentistry, Hawaii Dental Hygienists' Association, Hawaii Dental Association, and a petition signed by one hundred fifty-two individuals.

Your Committee finds that, currently, dental assistants in Hawaii do not need any specific education or other qualifications and are unregulated by the State. Under existing law and administrative rules, dental assistants are identified as unlicensed auxiliary personnel who perform supportive dental procedures under the direct supervision, direction, evaluation, and responsibility of a licensed dentist. According to testimony received by your Committee, training for dental assistants is typically done on the job by the supervising dentist or another assistant, and varies from office to office and from dentist to dentist. This on-the-job method of training creates little

to no standardization for patient dental care. It also creates an environment where dental assistants may pose a risk to public safety if they practice beyond their allowable duties.

Your Committee further finds that a 2018 sunrise analysis performed by the State Auditor determined that several tasks routinely performed by dental assistants in Hawaii pose a reasonable risk of injury to patients and therefore should be regulated under the criteria established by the Legislature. This measure requires the Board of Dentistry to adopt rules for the regulation of dental assistants using certification options based on education levels and permitted duties.

Your Committee notes the concerns raised in the testimony of the Hawaii Dental Hygienists' Association that creating a tiered approach to the regulation of dental assistants based on their functions and associated levels of risk will still allow for an "on-the-job" approach to training that lacks any standardization. If no regulations are set to require standardized training for all dental assistants, no real change will be realized. Your Committee finds that regulation that maintains the status quo is not in the best interests of the public. Therefore, amendments to this measure are necessary to implement a minimum standard of regulation for dental assistants in the State.

Accordingly, your Committee has amended this measure by:

- Removing language that would have required the Board of Dentistry to adopt rules to establish a regulatory structure for the regulation of dental assistants;
- (2) Removing language that would have required the Board of Dentistry to submit a report to the Legislature detailing the progress of the rules adopted;
- (3) Inserting a purpose section;
- (4) Requiring an individual hired as a dental assistant on or after January 1, 2020, to hold a cardiopulmonary resuscitation certification and complete a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
- (5) Requiring all dental assistants employed as of July 1, 2019, to obtain a cardiopulmonary resuscitation certification by January 1, 2020;
- (6) Requiring an individual employed as a dental assistant for less than five years as of July 1, 2019, to provide proof of enrollment in a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
- (7) Exempting an individual employed as a dental assistant for at least five years as of July 1, 2019, from the education requirements for dental assistants; provided that the individual has no history of complaints filed with the Board of Dentistry;
- (8) Clarifying the allowable and prohibited practices of dental assistants; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 221, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 221, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Keohokalole).

# SCRep. 1881 (Majority) Commerce, Consumer Protection, and Health on H.B. No. 761

The purpose and intent of this measure is to specify that retailers may provide proof of purchase in electronic form to a member of a frequent shopper program, unless the member requests the proof of purchase in paper form.

Your Committee received testimony in support of this measure from the Hawaii Petroleum Marketers Association. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that frequent shopper programs reward customers for purchases made on multiple visits and offer points that can be accumulated to entitle program members to reduced prices, free items, and other incentives. Customers join a retailer's rewards or frequent shopper program by providing personal information at the point of sale or on the retailer's mobile application. Many retailers now offer their program members the option of receiving receipts electronically by electronic mail or text message. This measure would enable businesses to provide proof of purchase to a member of a frequent shopper program only in electronic form, unless the member requests that the proof of purchase be provided in paper form.

Your Committee notes the testimony raising certain privacy concerns as customers who provide retailers with their personal information may benefit from the convenience of receiving electronic receipts but may also be at risk of having their personal information compromised by third parties.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that providing proof of purchase in electronic form is permissive rather than mandatory;
- (2) Requiring retailers that offer electronic proof of purchase to frequent shopper program members to develop, implement, and maintain reasonable safeguards to protect the members' personal information;
- (3) Inserting an effective date of July 1, 2019; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 761, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 761, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, 1 (Ruderman). Excused, 1 (Fevella).

#### SCRep. 1882 Judiciary on H.B. No. 170

The purpose and intent of this measure is to clarify the application of the fair treatment and conflict of interest laws in the State Ethics Code to legislators and task force members.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, League of Women Voters of Hawaii'i, and Common Cause Hawaii.

Your Committee finds that previous amendments made to the State Ethics Code had the unintended effect of introducing ambiguity into reporting requirements for members of task forces. This measure makes further amendments to the State Ethics Code to eliminate that ambiguity. Your Committee further notes that other amendments proposed by this measure delete statutory protections for legislators taking official action, and instead apply the protections to the exercise of legislators legislative functions. "Official action" is defined in the Ethics Code and your Committee finds this is a more suitable description of the work of legislators.

Accordingly, your Committee has amended this measure by:

- (1) Removing superfluous references to task force committees;
- (2) Removing language that would have deleted statutory protections for legislators taking official action; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 170, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 170, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1883 Judiciary on H.B. No. 217

The purpose and intent of this measure is to require that when an officer has custody of a child under the age of 16 for an alleged violation of law, the child shall consult with legal counsel before the child waives any constitutional rights and before any custodial interrogation.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Rainbow Family 808, Community Alliance on Prisons, and Human Rights for Kids. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department.

Your Committee finds that custodial interrogation of an individual by the State requires the individual be advised of the individual's rights to make a knowing, intelligent, and voluntary waiver of those rights before the interrogation proceeds. Your Committee further finds that children generally lack the maturity and experience to effectively understand and assert their rights. However, your Committee additionally finds that requiring children to assert their right to legal counsel is potentially vulnerable to constitutional challenge.

Accordingly, your Committee has amended this measure by:

- Requiring that a child in custody have contact with legal counsel or a parent or legal guardian instead of mandating consultation with legal counsel; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 217, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 217, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1884 Judiciary on H.B. No. 486

The purpose and intent of this measure is to:

- (1) Remove the criminal statute of limitations for sex trafficking and promoting prostitution;
- (2) Exempt minors from criminal liability for prostitution;
- (3) Permit persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the Penal Code within three years of the prostitution offense;
- (4) Establish minimum criminal and regulatory penalties for prostitution, sex trafficking, and promoting travel for prostitution;
- (5) Incorporate the offense of solicitation of a minor for prostitution into the offense of sex trafficking, which is a class A felony;

- (6) Reduce the state of mind requirement for the offense of promoting prostitution; and
- (7) Repeal the offense of street solicitation of prostitution.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, IMUAlliance, Shared Hope International, UNITE, Hawaii Women's Coalition, and eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawai'i Police Department, Honolulu Police Department, Harm Reduction Hawaii, and two individuals. Your Committee received comments on this measure from The Sex Abuse Treatment Center

Your Committee finds that sex trafficking victims are often misidentified and criminalized by law enforcement and that, although the existing law allows sex trafficking victims to vacate prostitution convictions within six years from the time that victimization ceased, such persons may face significant challenges in disclosing and proving victimization. Furthermore, your Committee notes that persons who have been convicted under sections 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), and 712-1207(1)(b), Hawaii Revised Statutes, regardless of whether or not they have been or can allege that they were victims of sex trafficking, should be able to vacate their convictions after a reasonable period of three years; provided that these persons have maintained a clean record free of convictions under the Penal Code.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have:
  - (A) Eliminated the criminal statute of limitations for sex trafficking and promoting prostitution;
  - (B) Exempted minors from criminal liability for prostitution;
  - (C) Established minimum criminal and regulatory penalties for prostitution, sex trafficking, and promoting travel for prostitution:
  - (D) Incorporated the offense of solicitation of a minor for prostitution into the offense of sex trafficking, which is a class A felony;
  - (E) Reduced the state of mind requirement for the offense of promoting prostitution; and
  - (F) Repealed the offense of street solicitation of prostitution;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 486, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 486, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1885 Higher Education on S.R. No. 40

The purpose and intent of this measure is to urge the University of Hawaii at Manoa to extend its Rainbow Shuttle service into the Kapahulu and Waikiki communities.

Your Committee received comments on this measure from the University of Hawai'i System.

Your Committee finds that the University of Hawaii at Manoa currently provides the Rainbow Shuttle service for University of Hawaii students, faculty, and staff, which consists of multiple routes that travel through the campus and in the neighboring vicinity. Because homes in the Kapahulu and Waikiki areas are regularly rented by students and frequented by students for dining, shopping, and entertainment, a reasonable extension of the Rainbow Shuttle into the Waikiki area will service a greater number of students, thereby adding to the quality of student life and potentially increasing awareness of the school among international and mainland visitors.

Your Committee has heard the testimony of the University of Hawaii System expressing concerns regarding the additional costs of providing Rainbow Shuttle service routes into Waikiki and Kapahulu, which would be approximately \$350,000. Your Committee requests that if your Committee on Ways and Means hears this measure, it further examine the concerns relating to additional costs raised by the University of Hawaii System.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 40 and recommends that it be referred to your Committee on Ways and Means

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

# SCRep. 1886 Higher Education on S.R. No. 120

The purpose and intent of this measure is to request the University of Hawaii Office of Internal Audit to conduct an audit of various programs at the University of Hawaii West Oahu that receive extramural funding, including Title III grant funding.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that the University of Hawaii West Oahu provides various programs to assist incoming and current students. Many of these programs receive extramural funding, including Title III grant funding, for the further development of Native Hawaiian student support services. However, discrepancies in information provided by the University of Hawaii West Oahu on various programs were found, from initial documentation on the programs to follow-up documentation, as well as inconsistencies in the reporting of extramural funds. Because some of these programs utilize federal funds, further due diligence is needed to make certain that the funds are not lost due to mismanagement or abuse. To ensure an accurate accounting of all funds by the University of Hawaii West Oahu, an audit of the various programs at the University that receive extramural funding, including Title III grant funding, would clarify whether funds are being utilized appropriately for the benefit of the students.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 120 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kahele).

# SCRep. 1887 (Joint) Commerce, Consumer Protection, and Health and Agriculture and Environment and Ways and Means on H.B. No. 452

The purpose and intent of this measure is to authorize the Public Utilities Commission to establish preferential electricity rates for agricultural activities that utilize protected agriculture to produce fruits or vegetables for distribution.

Your Committees received testimony in support of this measure from the Hawai'i Farm Bureau, Ulupono Initiative, MetroGrow Hawaii, Costco Wholesale Corporation, O'ahu County Democrats Legislative Priorities Committee, and one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs; Department of Agriculture; Public Utilities Commission; and Hawaiian Electric Company, Inc.

Your Committees find that Hawaii continues to import approximately seventy-five percent of its food requirements. Increasing the local food supply and decreasing the State's reliance on imports are in the public interest and in turn can increase jobs and decrease food prices. However, decreases in arable land, the changing climate, reduction of fresh water availability, and the tremendous pest pressures in Hawaii complicate local food production. Therefore, protected agriculture and technological innovation can supplement traditional growing systems to increase local food production and move the State toward food self-sufficiency. According to testimony received by your Committees, indoor hydroponic farms, such as vertical farms, are able to produce vegetables in a fraction of the space with approximately five to ten percent of the water required for traditional agriculture. Protected agriculture also negates unpredictable weather conditions, minimizes pest and disease problems, and prevents contamination from chemical or biological agents.

However, your Committees further find that protected agriculture, such as vertical farms, requires substantial technology and equipment to operate and is energy intensive. Electricity for lighting and climate control are major expenses. Your Committees note that the Public Utilities Commission is already authorized to establish preferential water rates for potable water service and electricity rates for the purchase of renewable energy from energy producers connected with agricultural activities to support agricultural undertakings in the State. Accordingly, your Committees find that preferential rates should be a part of the State's policy to support increased agricultural production. This measure authorizes the Public Utilities Commission to establish preferential electricity rates for agricultural activities that specifically utilize protected agriculture to produce fruits or vegetables for distribution.

Your Committees note the concerns raised in the testimony from Hawaii Electric Company, Inc., that preferential electric rates have the potential to create subsidies for which other customers must pay. Considering the State's already high prices for electricity, amendments to this measure are necessary to incorporate consensus language from interested stakeholders to address these concerns.

Your Committees have amended this measure by:

- (1) Clarifying that preferential electricity rates may be established for protected agriculture that includes reasonable efforts to incorporate cost effective renewable energy sources and energy efficiency measures;
- (2) Requiring the Public Utilities Commission, in its consideration of preferential rates, to ensure that any subsidization being paid by other customers is limited and reasonable and to periodically review and adjust the rate, if necessary; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health, Agriculture and Environment, and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 452, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 452, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6; Ayes with Reservations (Keohokalole, Fevella). Noes, none. Excused, 1 (Ruderman).

Agriculture and Environment: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Rhoads, Ruderman). Ways and Means: Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Harimoto, Riviere).

### SCRep. 1888 Judiciary on H.B. No. 164

The purpose and intent of this measure is to:

- (1) Apply the electioneering communication section only to noncandidate committees;
- (2) Amend the definition of "disclosure date" to mean the date when the electioneering communication is publicly distributed;
- (3) Expand the definition of "electioneering communication" in section 11-341(d), HRS, to apply to advertisements:

- (A) Sent by any mail rate;
- (B) That are expenditures of an organization; and
- (C) Are made or scheduled to be made within 90 days of an election;
- (4) Repeal the presumption that a person who has executed a contract to make an expenditure for electioneering communications has made those expenditures for the purposes of electioneering communication statement of information requirements; and
- (5) Require any advertisement by a noncandidate committee that makes only independent expenditures to disclose all contributors for the advertisements.

Your Committee received testimony in opposition to this measure from the Campaign Spending Commission. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Association of Broadcasters, Inc.

Your Committee finds that the democratic election process benefits from transparency in campaign advertising. Your Committee further finds that well-funded political action committees are capable of influencing elections to a significant degree. This measure will increase transparency and provide additional clarification to campaign advertising laws.

Your Committee has amended this measure by:

- (1) Requiring all persons, candidate, and noncandidate committees that make electioneering communication expenditures to a single vendor of more than \$2,000 in aggregate in one week to file a report with the Campaign Spending Commission within thirty days of a primary election or sixty days of a general or special election;
- (2) Requiring all noncandidate committees to disclose the top three contributors to the committee in their advertising;
- (3) Removing overly broad language in the definition of "disclosure date";
- (4) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 164, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 164, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 1889 Judiciary on H.B. No. 31

The purpose and intent of this measure is to amend the information required of registered voters who sign for election nomination papers or who seek to withdraw their nominating signatures by requiring only the month and date portions of a voter's date of birth and repeal the requirement that voters provide the last four digits of their social security numbers on these forms.

Your Committee received testimony in support of this measure from the Office of Elections.

Your Committee finds that the Office of Elections uses information provided by signatories on a nomination paper to confirm that the signatories are registered voters and eligible to vote for the candidate they are nominating. Your Committee further finds that the required information for voter registration has changed over time. For example, social security numbers are no longer required to register to vote pursuant to Act 167, Session Laws of Hawaii 2016. Your Committee additionally finds that these changes to voter registration laws impact the types of information that the Office of Elections can use to confirm the eligibility of signatories of nomination papers. This measure updates the requirements for election nomination papers to reflect current voter registration laws.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 31, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 1890 Judiciary on H.B. No. 712

The purpose and intent of this measure is to:

- (1) Require candidates for President, Vice President, Governor, Lieutenant Governor, or Mayor to disclose their federal income tax returns to be able to be listed on a general election ballot; and
- (2) Prohibit electors from voting for candidates for President or Vice President if those candidates have not disclosed their federal tax returns

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, O'ahu County Democrats Legislative Priorities Committee, Common Cause Hawaii, and nine individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that until the 2016 election cycle, United States presidential and vice presidential candidates of major parties routinely released their income tax returns as part of a decades-old tradition. Your Committee further finds that a candidate's income tax returns provide voters with essential information regarding a candidate's potential conflicts of interest, business dealings, financial

status, and charitable donations, and allows voters the opportunity to fully evaluate fitness for the offices of President and Vice President of the United States. This measure will require presidential, vice presidential, gubernatorial, lieutenant gubernatorial, and mayoral candidates to release their income tax returns before they are placed on the Hawaii ballot.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 712, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Wakai). Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1891 Ways and Means on H.B. No. 348

The purpose and intent of this measure is to appropriate funds for the public employment cost items of and cost adjustments for employees of the legislative service agencies, the Senate, and the House of Representatives.

Your Committee received testimony in support of this measure from the Office of the Ombudsman, Office of the Auditor, Hawaii State Ethics Commission, Legislative Reference Bureau, and one individual.

Your Committee finds that the staff and members of the Legislature and the legislative service agencies are excluded from collective bargaining. Your Committee further finds that this measure will provide funds for these essential public employment costs of the Legislature and legislative service agencies.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 348, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 348, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Keith-Agaran, Kidani, Riviere).

### SCRep. 1892 Ways and Means on H.B. No. 1042

The purpose and intent of this measure is to improve compliance in the reporting of rents and gross rental proceeds.

More specifically, this measure revises the way persons who collect rents or gross rental proceeds on behalf of owners of real property or operators of transient accommodations report that collection to the Department of Taxation.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received testimony in opposition to this measure from Expedia.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that, under current law, although persons who collect rent or gross rental proceeds on behalf of others must report information identifying each owner or operator on whose behalf they collect, they are not required to report the total amount of money collected on behalf of each owner or operator. Current law also requires the person to provide the owner or operator a copy of a tax liability notice. However, there is no penalty for noncompliance with these requirements. Your Committee further finds that this measure is intended to address these issues.

Your Committee has amended this measure by:

- (1) Adding a savings clause; and
- (2) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1042, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Keith-Agaran, Kidani, Riviere).

### SCRep. 1893 Ways and Means on H.B. No. 1190

The purpose and intent of this measure is to amend state income tax rates and provide tax relief for taxpayers whose income places them at or below the poverty level.

Specifically, this measure:

- (1) Eliminates the state income tax for taxpayers with taxable income of:
  - (A) \$3,300 or less for single filers;
  - (B) \$4,800 or less for head of household filers; and
  - (C) \$6,600 or less for joint filers; and
- (2) Amends the state income tax rates for taxpayers with taxable income greater than the amounts provided in paragraph (1).

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Rainbow Family 808, Americans for Democratic Action Hawaii, Hawaiian Community Assets, Hawaii Appleseed Center for Law and Economic Justice, League of Women Voters of Hawaii, Oahu County Democrats, and numerous individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that Hawaii is one of only fifteen states that currently impose a tax on the income of those who are at or below the poverty level. Your Committee further finds that eliminating the state income tax liability in the lowest tax brackets would help workers whose income places them at or below the poverty line.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2035, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1190, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1190, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kahele, Kidani, Fevella).

### SCRep. 1894 Commerce, Consumer Protection, and Health on H.B. No. 272

The purpose and intent of this measure is to exempt public utilities that provide basic exchange service to every county of the State from the regulatory jurisdiction of the Public Utilities Commission, including provisions regarding financial reporting, rate regulation, issuance of securitized assets, disposal of property, and affiliate interests.

Your Committee received testimony in support of this measure from Hawaiian Telcom and Verizon. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs and Charter Communications. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that this measure exempts public utilities that provide basic exchange service from the regulatory provisions of the Public Utilities Commission (Commission). However, your Committee has heard concerns that this measure, by eliminating Commission oversight, could have many unintended consequences, including creating uncertainty regarding the obligation and responsibilities of an incumbent telecommunications company to serve as the carrier of last resort, and is a significant step backward in the fully competitive retail communications market. Furthermore, this measure could leave little to no protection for the State's vulnerable rural customers and will significantly reduce the State's ability to exercise oversight over transactions that might not be in Hawaii's best interest. There are also additional concerns associated with this measure's applicability to and future effect on prior orders issued by the Commission.

Your Committee notes that the companion to this measure, S.B. No. 991, S.D. 1, which was previously passed by the Senate, provides telecommunications service providers with flexibility from certain regulatory oversight requirements but retains the Commission's oversight over telecommunications carriers and preserves consumer safeguards and carrier of last resort responsibilities. S.B. No. 991, S.D. 1, includes consensus language that has been approved by interested stakeholders to address the concerns raised by this measure and is therefore preferable.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 991, S.D. 1, which:

- Clarifies that a telecommunications carrier shall not be required to obtain approval from the Commission to establish or modify its terms and conditions;
- (2) Provides telecommunications carriers with certain exemptions related to rate making approval and cross subsidies; provided that on an annual basis, the monthly rate increase for basic exchange service in any county with a population of less than 500,000 shall not exceed \$6.50 without the Commission's approval;
- (3) Specifies that telecommunications service providers may issue securities and other evidences of indebtedness without approval from the Commission, as long as notification of the transaction is provided to the Commission and Consumer Advocate;
- (4) Specifies that a telecommunications service provider providing fully competitive retail services may sell or dispose of property or equipment without approval from the Commission, but requires authorization from the Commission in the event of any merger or consolidation with another public utility;
- (5) Specifies that a telecommunications service provider providing fully competitive retail services is exempt from filing accident reports connected with its operations and service with the Commission;
- (6) Clarifies that transactions exempt from the issuance of voting stock restrictions include any transaction involving a public utility that consists of less than fifty percent of the voting stock of a corporation organized under the laws of the State;
- (7) Clarifies that the Commission may allow telecommunications carriers to have pricing flexibility for services that the Commission finds are effectively competitive; provided that universal service is preserved and advanced;
- (8) Clarifies the Commission's responsibility to ensure customers have access to advanced services; and
- (9) Includes an effective date of upon approval.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 272, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 272, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

#### SCRep. 1895 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on H.B. No. 220

The purpose and intent of this measure is to authorize a pharmacy to provide a customized patient medication package to any patient of an institutional facility or any member of the general public, subject to certain conditions.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language to appropriate funds for operating expenses of the Department of Health.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Health; Hawai'i State Commission on the Status of Women; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Kokua Kalihi Valley Comprehensive Family Services; Hawaii Section of the American College of Obstetricians and Gynecologists; Healthy Mothers Healthy Babies Coalition of Hawaii; Midwives Alliance of Hawaii; Hawaii Maternal and Infant Health Collaborative; and over ninety individuals. Your Committees received comments on the proposed S.D. 1 from the League of Women Voters.

Your Committees find that the Department of Health's family planning program provides preventive health services for low-income, underinsured, and other individuals and families with limited access to health care services. The Department of Health has provided these services for over forty years, which are now provided on six islands, through twelve contracts at thirty-one service sites. Your Committees further find that the proposed S.D. 1 appropriates or authorizes funds, amends positions, and amends means of financing for operating expenses of the Department of Health. Your Committees note that the proposed S.D. 1 will institutionalize the Department's family planning program, enable the continued delivery of important family planning services, and ensure that Hawaii residents continue to receive affordable, quality reproductive health care.

Your Committees also note that, according to testimony received by your Committees, H.B. No. 2, H.D. 1, S.D. 1, C.D. 1, the General Appropriations Act of 2019, omits a number of appropriations that have been requested by the Department of Health. Therefore, amendments to the proposed S.D. 1 are necessary to incorporate these appropriations.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Clarifying the description for program ID HTH560;
- (2) Inserting appropriations for program IDs HTH420, HTH440, HTH730, HTH907/AP, and HTH907; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 220, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 220, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees. Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Nishihara). Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kanuha, Riviere).

# SCRep. 1896 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on H.B. No. 1360

The purpose and intent of this measure is to appropriate or authorize funds for programs of the Department of Commerce and Consumer Affairs.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs and Public Utilities Commission

Your Committees find that this measure expresses programs or positions, maximum sums appropriated or authorized, or means of financing indicated for programs of the Department of Commerce and Consumer Affairs. According to testimony received by your Committees, H.B. No. 2, H.D. 1, S.D. 1, C.D. 1, the General Appropriations Act of 2019, omits a number of appropriations that have been requested by the Department of Commerce and Consumer Affairs and Public Utilities Commission. Therefore, amendments are necessary to incorporate these appropriations.

Your Committees have amended this measure by:

- (1) Clarifying the description for program ID CCA103;
- Removing duplicative appropriations already included in the operating budget of the Executive Branch for fiscal years 2019-2020 and 2020–2021;
- (3) Adjusting the amount and clarifying the purpose of the appropriation for program ID CCA111;
- (4) Adjusting the amounts and clarifying the purposes of the appropriations for program ID CCA901;
- (5) Inserting appropriations for program IDs CCA102, CCA104, CCA105, and CCA106;
- (6) Inserting an effective date of July 1, 2051, to encourage further discussion; and

(7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1360, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1360, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Nishihara).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kanuha, Riviere).

# SCRep. 1897 (Joint/Majority) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health and Ways and Means on H.B. No. 307

The purpose and intent of this measure is to broaden the definition of "renewable energy" to include other self-replenishing non-fossil fuel resources.

Your Committees received testimony in support of this measure from two individuals. Your Committees received testimony in opposition to this measure from Life of the Land; 350Hawaii; Sierra Club of Hawai'i; Elemental Excelerator; Blue Planet Foundation; Pele Lani Farm LLC; and twenty-one individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Public Utilities Commission; and Organizing for Action.

Prior to decision making on this measure, your Committees posted and made available for public review a proposed S.D. 1 of this measure, which retains the contents of this measure and inserts language to:

- (1) Specify its purpose;
- (2) Specify that mono-cultured wood crops are excluded from the definition of "renewably energy";
- (3) Clarify that the definition of "renewably energy" includes self-replenishing non-fossil fuel resources that are non-nuclear;
- (4) Amend the renewable energy technologies income tax credit to, among other things, apply the credit separately for solar energy systems, wind energy systems, and commercial seawater air conditioning systems and make conforming amendments;
- (5) Change the effective date to July 1, 2050, with the renewable energy technologies and commercial seawater air conditioning system income tax credit to apply to taxable years beginning after December 31, 2019; and
- (6) Make technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees received testimony in support of the proposed S.D. 1 from the O'ahu County Democrats Legislative Priorities Committee and Deep Ocean Ventures. Your Committees received testimony in opposition to the proposed S.D. 1 from the Hawaii Laborers' Union, Local 368; Zero Waste O'ahu; PV Tech; The Alliance for Solar Choice; Hawaii Solar Energy Association; and eleven individuals. Your Committees received comments on the proposed S.D. 1 from the Public Utilities Commission and Tax Foundation of Hawaii.

Your Committees find that the State must continue to support established renewable energy resources and those emerging from new technological innovations to meet its expansive renewable energy goals. Currently, the State's definition of "renewable energy" is too narrow to account for some technological innovations that produce renewable energy resources. Broadening the definition of "renewable energy" to include other self-replenishing non-fossil fuel non-nuclear fuel resources could significantly advance the State's clean energy goals and produce considerable environmental and economic benefits for the State. Your Committees further find that commercial seawater air conditioning costs should be for the renewable energy technologies income tax credit because seawater is an untapped and abundant renewable source of energy in Hawaii. The proposed S.D. 1 will therefore apply the income tax credit for commercial seawater air conditioning system costs, thereby promoting the use of new technology and renewable energy resources and helping the State reach its renewable energy goals.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Removing the exclusion of mono-cultured wood crops from the definition of "renewable energy";
- (2) Specifying that in order to constitute renewable energy, other self-replenishing non-fossil fuel, non-nuclear resources must be approved by rule or order of the Public Utilities Commission;
- (3) Amending the tax credit for grid-connected solar energy systems used primarily to generate electricity by:
  - (A) Amending the ramp down schedule;
  - (B) Amending the cap for single-family residential properties where a portion of the system fulfills the substitute renewable energy technology requirement and the cap for multi-family residential properties; and
  - (C) Deleting provisions that would have grandfathered in certain systems installed or first placed in service by a certain date in the past;
- (4) Amending the tax credit for grid-connected wind energy systems by:
  - (A) Making the tax credit applicable for systems first placed in service from 2020 through 2028; and
  - (B) Deleting provisions that would have grandfathered in certain systems installed or first placed in service by a certain date in the past;

- (5) Specifying that the tax credit shall not be authorized for taxable years ending after December 31, 2028; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism, Commerce, Consumer Protection, and Health, and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 307, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 307, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Keohokalole, Taniguchi). Noes, none. Excused, 2 (Inouye, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 5; Ayes with Reservations (Keohokalole, Thielen, Fevella). Noes, 1 (Ruderman). Excused, 1 (Nishihara).

Ways and Means: Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kidani, Taniguchi, Fevella).

### SCRep. 1898 Ways and Means on H.B. No. 809

The purpose and intent of this measure is to appropriate funds for operating and capital improvement grants.

Your Committee received testimony in support of this measure from Hawaii Youth Services Network, Healthy Mothers Healthy Babies, Hawaii Psychological Association, Mental Health America of Hawaii, Hawaii Maternal and Infant Health Collaborative, Catholic Charities Hawaii, and numerous individuals.

Your Committee received comments on this measure from Hawaii Alliance of Nonprofit Organizations and Parents and Children Together.

Your Committee finds that the funds appropriated by this measure will assist Hawaii's private organizations to provide essential and impactful services to residents and communities.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making a technical nonsubstantive change for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 809, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 809, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

# SCRep. 1899 (Joint) Energy, Economic Development, and Tourism and Ways and Means on H.B. No. 852

The purpose and intent of this measure is to appropriate funds for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021, for state executive branch programs.

Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism.

Prior to decision making on this measure, your Committees posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts the language that:

- (1) Establishes the Hawaii State Energy Office;
- (2) Establishes the Board of Directors and Director of the Hawaii State Energy Office and powers and duties of the Director;
- (3) Repeals the establishment of the Energy Resources Coordinator position, the Coordinator's powers and duties, and the establishment of the Renewable Energy Facilitator position, and transfers some of the powers and duties of the Energy Resources Coordinator to the Director of the Hawaii State Energy Office;
- (4) Appropriates funds for the Hawaii State Energy Office; and
- (5) Includes an effective date of July 1, 2050.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Business, Economic Development, and Tourism and two individuals.

Your Committees find that there is a need for a state agency responsible for facilitating the transition to a clean energy economy to meet Hawaii's climate and cost of living goals. Tasking a single agency to plan for energy savings measures across all public facilities and assist government entities already working to reduce energy costs is a necessary step to maximize taxpayer dollars. Your Committees also find that although the State Energy Office is tasked with the responsibility of overseeing one-eighth of Hawaii's economy, which impacts every business and household, the Office lacks an enabling statute, a mission, formal guidance, and reporting accountability. Your Committees further find that the proposed S.D. 1 establishes the Hawaii State Energy Office in statute with clear guidance and reporting accountability.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Authorizing the Hawaii State Energy Office to enter into a memorandum of understanding with the Hawaii Technology Development Corporation to coordinate with and utilize the Corporation's expertise, personnel, and powers for certain purposes;
- (2) Deleting language that would have established the Board of Directors of the Hawaii State Energy Office;
- (3) Changing the position title from the Director of the Hawaii State Energy Office to the Chief Energy Officer of the Hawaii State Energy Office, and making conforming amendments;
- (4) Amending the qualifications required of the Chief Energy Officer;
- (5) Amending the duties of the Chief Energy Officer;
- (6) Amending the definition of "distributed energy resources";
- (7) Changing the expending agency for the energy security special fund from the Department of Business, Economic Development, and Tourism to the Hawaii State Energy Office and amending the allowable uses of monies from the energy security special fund;
- (8) Inserting an appropriation amount of \$2,300,000 for the Hawaii State Energy Office;
- (9) Inserting an additional appropriation or authorization of funds for expenses and positions for the Hawaii State Energy Office;
- (10) Transferring the rights, powers, functions, and duties of the State Energy Office, including existing civil service employees, to the Hawaii State Energy Office and retaining the employees' civil service status until they leave employment with the Hawaii State Energy Office; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 852, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 852, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4; Ayes with Reservations (Inouye, Taniguchi). Noes, none. Excused, 1 (Fevella).

Ways and Means: Ayes, 9; Ayes with Reservations (Inouye, Moriwaki, Taniguchi). Noes, none. Excused, 4 (English, Harimoto, Kidani, Fevella).

### SCRep. 1900 Judiciary on H.B. No. 1009

The purpose and intent of this measure is to:

- (1) Require a movie theater to provide at least two showings per week per movie offered with open movie captioning;
- (2) Remove the option for a movie theater to provide lightweight eyewear to fulfill the open movie captioning requirement; and
- (3) Make the open captioning requirement permanent by repealing the sunset date of Act 39, Session Laws of Hawaii 2015.

Your Committee received testimony in support of this measure from the Office of Language Access; State Council on Developmental Disabilities; Hawai'i Civil Rights Commission; Hawai'i State Commission on the Status of Women; Pono Hawai'i Initiative; Comprehensive Service Center; Hawaii Interpreting Services; Filipinos for Affirmative Action; Isle Interpret, LLC; O'ahu County Democrats Legislative Priorities Committee; and twenty-six individuals.

Your Committee finds that open movie captioning provides a display of text on a screen or other visual display that provides additional or interpretive information of what is being presented, which is particularly helpful for the deaf, deaf-blind, hard of hearing, limited English proficient persons, and English-language learners. Your Committee further finds that this measure will help ensure that members of the aforementioned communities will have full, equal, and nondiscriminatory access to and the opportunity to enjoy motion pictures.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1009, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1901 Judiciary on H.B. No. 1053

The purpose and intent of this measure is to amend the statutorily mandated inscription for civil identification cards to conform to the inscription currently in use.

Your Committee received testimony in support of this measure from the Department of Transportation and O'ahu County Democrats Legislative Priorities Committee.

Your Committee finds that existing law requires civil identification cards to include the inscription "State of Hawaii Identification Card". However, numerous identification cards have been erroneously printed with the inscription "Hawaii Identification Card". Your Committee believes that rather than requiring all those individuals who received an identification card printed in error to go back to the issuing county office for an amended identification card, existing law should be amended to conform to the inscription currently being used to avoid any inconvenience for residents.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1053, H.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1902 (Joint) Judiciary and Ways and Means on H.B. No. 356

The purpose and intent of this measure is to increase the Comptroller's settlement authority for tort and automobile claims to \$25,000.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services.

Your Committees find that the Department of the Attorney General handles claims that are above the Risk Management Office's settlement and payment authority. This measure will increase the settlement authority of the Risk Management Office to \$25,000 and subsequently reduce the number of cases assigned to the Attorney General, thereby promoting settlement, which is often a more efficient use of state resources.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 356, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 5. Noes, none. Excused, none. Ways and Means: Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

### SCRep. 1903 (Joint/Majority) Judiciary and Ways and Means on H.B. No. 1541

The purpose and intent of this measure is to establish and appropriate funds for the Hawaii gun violence prevention center within the University of Hawaii to research strategies to prevent gun violence.

Your Committees received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Oʻahu County Democrats Legislative Priorities Committee, Giffords Law Center to Prevent Gun Violence, and four individuals. Your Committees received testimony in opposition to this measure from the Hawaii Rifle Association, Hawaii Firearms Coalition, Institute for Rational and Evidence-Based Legislation, and thirty-one individuals. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that because of existing federal laws that prevent the use of federal funds for gun violence research, little is known about gun violence and its prevention. Because research relating to gun violence has declined, federal and state government agencies lack the capacity to analyze data to track black market guns used in crimes and develop evidence-based policies that can save lives. This measure would allow for the research necessary to develop strategies to prevent gun violence and save lives in the State.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1541, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, 1 (Fevella). Excused, none.

Ways and Means: Ayes, 9. Noes, 1 (Fevella). Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1904 (Joint) Energy, Economic Development, and Tourism and Government Operations and Ways and Means on H.B. No. 1586

The purpose and intent of this measure is to:

- (1) Establish the Hawaii State Energy Office within the Department of Business, Economic Development, and Tourism;
- (2) Establish the position of Deputy Director of Energy;
- (3) Repeal the establishment of the Energy Resources Coordinator position and transfer the duties and responsibilities of the Energy Resources Coordinator, which are currently assigned to the Director of Business, Economic Development, and Tourism, to the Deputy Director of Energy; and
- (4) Amend the allowable uses of the energy security special fund.

Your Committees did not receive any testimony on this measure.

Prior to decision making on this measure, your Committees posted and made available for public review a proposed S.D. 2, which deletes the contents of this measure and inserts the contents of S.B. No. 1530, S.D. 3, with further amendments. Specifically, the proposed S.D. 2:

- (1) Establishes the stadium development district, which includes all state property under the jurisdiction of the stadium authority;
- (2) Transfers title of lands under the jurisdiction of the Stadium Authority to the Hawaii Community Development Authority;
- (3) Authorizes the issuance of general obligation bonds and reimbursable general obligation bonds and appropriates funds;
- (4) Exempts the stadium development district from community development plan requirements;

- (5) Exempts lands to which the Stadium Authority holds title from the definition of "public lands" subject to chapter 171, Hawaii Revised Statutes, but establishes certain restrictions on leases within the stadium development district; and
- (6) Authorizes the Department of Land and Natural Resources to give written concurrence, based on a phased review, on any project in the stadium development district for historical preservation purposes.

Your Committees received testimony in support of the proposed S.D. 2 from the Department of Accounting and General Services, Stadium Authority, University of Hawaii System, Chamber of Commerce Hawaii, and Building Industry Association of Hawaii. Your Committees received testimony in opposition to the proposed S.D. 2 from the Department of Planning and Permitting of the City and County of Honolulu and League of Women Voters. Your Committees received comments on the proposed S.D. 2 from the Department of Land and Natural Resources and Hawaii Community Development Authority.

Your Committees find that the redevelopment of lands under the jurisdiction of the Stadium Authority could benefit from the administration of the Hawaii Community Development Authority. Your Committees also find that, as significant public outreach and studies have already occurred, a stadium development district may be formed that is exempt from community development plan requirements. Your Committees seek to ensure continued public participation in this project by requiring decisions regarding the project that may have a significant impact on the community or environment to be made by the Stadium Authority at a public meeting.

Your Committees note that all lands in the stadium development district are state lands over which the State already has oversight. Furthermore, the Stadium Authority is subject to the Sunshine Law and therefore affected communities or interested parties will have an opportunity to be informed about and participate in the process of development of the stadium development district.

Your Committees have amended this measure by adopting the proposed S.D. 2 and further amending the measure by:

- (1) Requiring the Stadium Authority and Hawaii Community Development Authority to execute a memorandum of agreement with appropriate state agencies to effectuate the restrictions and provisions on leases within the stadium development district;
- (2) Clarifying development guidance policies governing the Executive Director of the Hawaii Community Development Authority's actions in the stadium development district to specify that endangered species of flora and fauna shall be preserved as required by state and federal law;
- (3) Deleting language that would have authorized the Department of Land and Natural Resources to give written concurrence, based on a phased review, on any project in the stadium development district for historical preservation purposes;
- (4) Specifying that the disposition of certain lands or any improvements thereon shall be done consistently with the terms, conditions, restrictions, and uses applicable to the disposition of public lands;
- (5) Requiring the legal instrument that transfers the fee simple interest in all land under the control or jurisdiction of the Stadium Authority from the Department of Land and Natural Resources to the Stadium Authority to prohibit the Stadium Authority from relinquishing the State's title to any ceded lands; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Although this measure, as amended, indicates that the disposition of lands exempt from the definition of "public lands" in chapter 171, Hawaii Revised Statutes, or any improvements thereon, shall be done consistently with the terms, conditions, restrictions, and uses applicable to the disposition of public lands, your Committees note its intent is to apply this requirement to only those lands to which the Stadium Authority holds title.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism, Government Operations, and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1586, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1586, H.D. 1, S.D. 2.

Signed by the Chairs and President on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

Ways and Means: Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Kahele, Taniguchi, Fevella).

### SCRep. 1905 Judiciary on H.B. No. 66

The purpose and intent of this measure is to repeal the existing Uniform Athlete Agents Act and replace it with the Revised Uniform Athlete Agents Act, which applies to certain financial advisers and makes other changes to the Uniform Act to increase effectiveness and enforceability.

Your Committee received testimony in support of this measure from the Department of Education, Department of Commerce and Consumer Affairs, National Collegiate Athletic Association, and Commission to Promote Uniform Legislation.

Your Committee finds that the Uniform Athlete Agents Act, adopted by the Legislature in 2007, has helped to reduce improper contact between agents and student athletes. However, your Committee further finds that the Act as it currently exists is not broad enough to provide adequate protection for student athletes from other professional service providers, and that one variation of the athlete agent problem has been developing in the form of financial advisers who are not subject to the Uniform Athlete Agents Act. This measure repeals the current Uniform Athlete Agents Act and replaces it with the Revised Uniform Athlete Agents Act, which expands applicability of the Uniform Act to financial advisers under certain circumstances and requires these individuals to register as athlete agents.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 66, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 66, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

#### SCRep. 1906 (Majority) Judiciary on H.B. No. 285

The purpose and intent of this measure is to:

- (1) Require county police departments to disclose to the Legislature the identity of an officer upon the officer's suspension or discharge; and
- (2) Amend the Uniform Information Practices Act to allow for public access to information about suspended officers.

Your Committee received testimony in support of this measure from the Office of Information Practices, Civil Beat Law Center for the Public Interest, League of Women Voters, Hawaii Chapter of the Society of Professional Journalists, Common Cause Hawaii, American Civil Liberties Union of Hawaiii, Young Progressives Demanding Action, O'ahu County Democrats Legislative Priorities Committee, and two individuals.

Your Committee finds that requiring disclosure of the identities of suspended or discharged county police officers to the Legislature will improve oversight of police departments in cases of severe misconduct. Your Committee further finds that providing public access to records of suspended police officers, similar to the information required regarding the suspension of other government employees, will likewise increase transparency in law enforcement. However, your Committee additionally finds that law enforcement agencies require time to adjust their information practices to the new requirements and allowing disclosure and public access to be retroactive may not be practicable.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that county police departments are required to disclose to the Legislature the identity of an officer upon the officer's suspension or discharge beginning with the annual report of 2021;
- (2) Allowing for public access to information about suspended officers for suspensions occurring after March 1, 2020; and
- (3) Changing the effective date to March 1, 2020.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 285, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 285, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3; Ayes with Reservations (Wakai). Noes, 1 (Fevella). Excused, 1 (Kim).

# SCRep. 1907 Judiciary on H.B. No. 390

The purpose and intent of this measure is to make permanent Act 172, Session Laws of Hawaii 2017, which grants employees the right to have a chaperone present during a medical examination relating to a workers' compensation work injury and, with the approval of the examining physician or surgeon, to record the examination. This measure also provides that if an employee or employee's chaperone obstructs the medical examination, the employee's right to worker's compensation shall be suspended until the refusal or obstruction ceases.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, ILWU Local 142, and Work Injury Medical Association of Hawaii.

Your Committee finds that the workers' compensation system is often adversarial in nature, has the potential to result in significant financial consequences, and is often stressful and intimidating for injured employees. Your Committee further finds that the presence of a chaperone during workers' compensation independent medical examinations improves transparency and allows the injured employee to more effectively seek a second opinion or consult the employee's primary physician. This measure makes permanent the law that allows employees the right to have a chaperone present and to record the independent medical examination.

Your Committee has amended this measure by inserting an effective date of June 29, 2019.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 390, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 390, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1908 Judiciary on H.B. No. 944

The purpose and intent of this measure is to:

- (1) Prohibit a public benefits corporation from purchasing its own memberships;
- (2) Clarify that a person who does not have authority to vote as a member of the board is not a director;
- (3) Clarify that a corporation with members may designate its directors;

- (4) Authorize a board of directors to take action without a board meeting through electronic means;
- (5) Increase the length of time that the Attorney General has to review for a proposed sale of substantially all of the assets of public benefit corporations other than in the regular course of its activities; and
- (6) Make other housekeeping amendments.

Your Committee received testimony in support of this measure from the Department of the Attorney General, University of Hawaii Foundation, and Hawaii'i Alliance of Nonprofit Organizations.

Your Committee finds that numerous laws pertaining to public benefit corporations are in need of clarification. Your Committee further finds that although it is possible to infer that a public benefit corporation should not be able to purchase its memberships from the rule against distributing charitable assets for non-charitable purposes, there is no clear prohibition against the practice in existing law. Your Committee additionally finds that existing law is unclear as to whether ex-officio directors, or individuals named as directors based on their position or status, who do not have any authority to vote as members of the board, are in fact directors of a public benefit corporation. Your Committee also finds that although boards of directors of public benefit corporations are authorized to take actions outside of meetings in some situations, no provisions of existing law authorize electronic signatures by board members. This measure clarifies and updates laws pertaining to public benefit corporations in these areas.

Your Committee has amended this measure by clarifying the definition of "written consent" for the purpose of actions taken by a board of directors of a public benefit corporation.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 944, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 944, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 1909 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on H.B. No. 1133

The purpose and intent of this measure is to:

- (1) Prohibit the issuance of more than forty access permits for any marine life conservation district not accessible by land; and
- (2) Limit access to any marine life conservation district not accessible by land to no more than fifty percent of permit holders.

Your Committees received testimony in support of this measure from the Ocean Tourism Coalition; Trilogy Corporation; PacWhale Eco Adventures; Boss Frog's Dive and Surf; Lahaina Divers, Inc.; Calypso Charters; Maui Classic Charters; Alii Nui Charters; Kai Kanani Sailing; Malolo Charters; and nineteen individuals. Your Committees received testimony in opposition to this measure from God's Country Waimanalo and eight individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that Molokini Shoal is one of the most popular snorkel and dive destinations in the State and is a designated Marine Life Conservation District. According to testimony received by your Committees, weather conditions effectively limit boat accessibility to Molokini to only three hours per day, two hundred eighty days per year. There are presently forty commercial use permits in operation for Molokini, and only twenty-four moorings that can each accommodate up to two vessels per day. However, based on the wording of existing rules, unpermitted commercial vessels can also access the Molokini crater so long as they do not moor inside the crater. Vessels and their guests "drift dive" inside the crater, which has resulted in overcrowding and has raised safety concerns. Furthermore, based on existing rules, there is no limitation on the number of permit holders that may enter the crater at any one time. This measure will close the loophole in the existing rules and will limit the number of vessels that may be inside the crater at any one time to one-half of the permitted vessels.

Your Committees further find that, in 2010, a social carrying capacity study found that over two-thirds of all visitors felt crowded and that there were too many boats in the crater. A 2016 reef predator study also found that fifty per cent of omilu, a key nearshore reef predator, were displaced outside of the shallow crater into deeper water when more than twelve boats were in the Molokini crater at a time. Amendments to this measure are therefore necessary to ensure that the Department of Land and Natural Resources immediately initiates rulemaking for management changes to quickly address these concerns.

Accordingly, your Committees have amended this measure by:

- Clarifying that this measure applies to limits on the number of marine life conservation district commercial use permits and commercial use permittees, as the Department of Land and Natural Resources does not issue permits granting general access to marine life conservation districts;
- (2) Requiring the Department of Land and Natural Resources to immediately initiate rulemaking for management changes to address overcrowding and fish disruption concerns at Molokini Shoal Marine Life Conservation District and submit a report to the Legislature on its rulemaking progress no later than twenty days prior to the convening of the Regular Session of 2020;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1133, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1133, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Nishihara).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Kanuha).

# SCRep. 1910 Ways and Means on H.B. No. 34

The purpose and intent of this measure is to require that the foreperson classification be recognized as a separate wage classification for public works projects if so requested by an organization and recognized by a collective bargaining agreement.

Your Committee received written comments in support of this measure from the Hawaii Operating Engineers Union Local 3.

Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that this measure will assist in the recognition of foreperson positions in certified payrolls and ensure that those individuals are paid their correct wages.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 34, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1911 Ways and Means on H.B. No. 123

The purpose and intent of this measure is to abolish the Hawaii Department of Agriculture biocontrol foreign exploration special fund.

Your Committee received written comments on this measure from the Department of Agriculture and Tax Foundation of Hawaii.

Your Committee finds that the Hawaii Department of Agriculture biocontrol foreign exploration special fund contains a zero balance, does not meet the criteria for a special fund, is no longer needed, and should thus be abolished.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 123, H.D. 2, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 1912 Ways and Means on H.B. No. 530

The purpose and intent of this measure is to establish a linked investment program for the agriculture industry.

More specifically, the program authorizes eligible lending institutions to make loans to eligible borrowers based upon the value of certificates of deposit placed with the lending institutions by the Director of Finance as short-term investments of state moneys totalling up to \$5,000,000.

This measure also appropriates funds for staff to administer the linked investment program.

Your Committee received written comments on this measure from the Department of Agriculture and the Department of Budget and Finance.

Your Committee finds that innovative financial mechanisms are needed to support the agricultural industry following recent natural disasters that have adversely affected farms and other agricultural enterprises.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 530, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1913 (Majority) Ways and Means on H.B. No. 622

The purpose and intent of this measure is to establish certain requirements and restrictions relating to charter schools.

Specifically, this measure:

- Requires that if federal criminal charges are filed against an employee of a charter school for actions taken in the course of
  employment, public funds that have been disbursed to the school shall be transferred to the State Public Charter School
  Commission;
- (2) Provides that funds appropriated to a charter school shall remain in the state treasury until certain requirements are met;
- (3) Provides that authorizers may conduct or require audits and makes authorizers responsible for the selection of independent auditors to complete each charter school's annual financial audit;
- (4) Requires authorizers to develop and maintain a system of banking accounts that charter schools shall exclusively use to receive and expend federal and state funds;
- (5) Prohibits individuals from serving on the Board of Education or the State Public Charter School Commission if they were affiliated with any public charter schools within the four years preceding the appointment to the board or commission; and
- (6) Prohibits an authorizer from simultaneously serving at or for a public charter school authorized by that authorizer.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments in opposition to this measure from the Office of the Governor, Waimea Middle School, Kualapuu Public Conversion Charter School, Connections Public Charter School, Halau Ku Mana Public Charter School, and two individuals.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs, Board of Education, and State Public Charter School Commission.

Your Committee finds that it is prudent for the State to impose appropriate mechanisms for accountability and oversight of public charter schools

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 622, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, 1 (Fevella). Excused, 2 (Shimabukuro, Taniguchi).

# SCRep. 1914 Ways and Means on H.B. No. 626

The purpose and intent of this measure is to amend procedures for the filling of vacancies in the representation of districts of this State in the United States House of Representatives.

Specifically, this measure:

- Requires the Chief Election Officer to issue a proclamation for a special election for a vacancy not later than fourteen days after the vacancy occurs;
- (2) Requires the special election for the vacancy to be conducted by ranked choice voting; and
- (3) Establishes provisions for the Governor to appoint individuals to temporarily fill vacancies.

Your Committee received written comments in support of this measure from FairVote Action, Americans for Democratic Action Hawaii, the Democratic Party of Hawaii, and the Oahu County Democrats Legislative Priorities Committee.

Your Committee received written comments on this measure from the Department of the Attorney General, Office of Elections, and one individual.

Your Committee finds that this measure will help minimize the effect that a vacancy in the United States House of Representatives may have and will ensure that residents of the State continue to have a voice in matters of national importance.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 626, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

# SCRep. 1915 Ways and Means on H.B. No. 627

The purpose and intent of this measure is to impose certain requirements relating to independent expenditures in elections.

Specifically, this measure:

- (1) Requires a person making independent expenditures to influence an election, to:
  - (A) Make a report that identifies the candidate or candidates that the person is supporting or opposing, if the independent expenditure advocates the election or defeat of a clearly identified candidate; or
  - (B) Indicate that the expenditure is for issue advertising;
- (2) Requires the Campaign Spending Commission to publish on its website independent expenditure information for each candidate; and
- (3) Imposes penalties on persons who make false statements on certain disclosures relating to independent expenditures.

Your Committee received written comments in support of this measure from the League of Women Voters of Hawaii and one individual.

Your Committee finds that transparency in elections, including transparency regarding independent expenditures to influence elections, is necessary to ensure fairness in elections.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 627, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1916 Ways and Means on H.B. No. 981

The purpose and intent of this measure is to clarify that overpayments of refunds and retirement benefits constitute a debt due and owing to the Employees' Retirement System. Furthermore, this measure requires the Employees' Retirement System to adopt and enforce rules to effect the maximum recovery of those overpayments.

Your Committee received written comments in support of this measure from the Employees' Retirement System.

Your Committee finds that this measure will provide the Employees' Retirement System with the legal tools necessary to pursue and recover benefits that belong to members and beneficiaries of the Employees' Retirement System.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 981, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1917 Ways and Means on H.B. No. 157

The purpose and intent of this measure is to expand the type of information for each public employee that government agencies are required to provide to the exclusive representative of each employee's collective bargaining unit.

This measure also requires the information for newly hired public employees to be provided within an unspecified number of pay periods for new employees.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association and Oahu County Democrats.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that this measure will assist exclusive representatives in obtaining pertinent and timely information about the members in their respective bargaining units, and this information will allow the exclusive representatives to provide services that are more responsive to their members' needs.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 157, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 157, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1918 Ways and Means on H.B. No. 529

The purpose and intent of this measure is to require that vehicles descending the road to Waipio Valley on the island of Hawaii have low-range, four-wheel drive capability.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that prohibiting access by vehicles that are not designed or equipped to traverse the dangerous and steep onelane Waipio Valley Road will help to protect the safety of all visitors to Waipio Valley.

Your Committee has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 529, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 529, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1919 Ways and Means on H.B. No. 531

The purpose and intent of this measure is to require the Chief Information Officer of the Office of Enterprise Technology Services to update and submit to the Governor and the Legislature the state information technology strategic plan every four years.

Your Committee received written comments in support of this measure from the Department of Education, Office of Enterprise Technology Services, and Transform Hawaii Government.

Your Committee finds that the constantly changing nature of technology necessitates the continued and periodic updating of the state information technology strategic plan.

Your Committee has amended this measure by changing the effective date from April 25, 2112, to upon approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 531, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 531, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1920 Ways and Means on H.B. No. 551

The purpose and intent of this measure is to ensure the availability of funds to address issues relating to cesspools.

Specifically, this measure extends to June 30, 2020, the lapse date for funds appropriated by Act 132, Session Laws of Hawaii 2018, to the:

- (1) University of Hawaii to conduct a comprehensive statewide study of sewage contamination in nearshore marine areas; and
- (2) Department of Health to conduct research or gather technical assistance relating to the Cesspool Conversion Working Group's comprehensive cesspool conversion plan.

Your Committee received written comments in support of this measure from the Department of Health; University of Hawaii; One World One Water, LLC; and two individuals.

Your Committee finds that due to the health risks posed by contaminated water from cesspools, it is appropriate to grant the University of Hawaii and Department of Health additional time to complete their respective tasks under Act 132, Session Laws of Hawaii 2018.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 551, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 551, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1921 Ways and Means on H.B. No. 845

The purpose and intent of this measure is to improve the productivity and efficiency of state employees.

More specifically, this measure:

- (1) Establishes the state employees training program and the board of the state employees training program;
- Requires the board of the state employees training program to develop a plan for the creation and development of various employee training programs;
- (3) Establishes the state employees training fund; and
- (4) Requires that each newly-hired state employee be provided with a general orientation on the employee's benefits and rights.

Your Committee received written comments in support of this measure from the Hawaii Government Employees Association.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that a state employees training program would improve the retention of public employees and provide general benefits to the public workforce.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 845, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 845, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1922 Ways and Means on H.B. No. 888

The purpose and intent of this measure is to appropriate funds to support the operations of the Maui Health System, A Kaiser Foundation Hospitals LLC.

Your Committee received no written comments on this measure.

Your Committee finds that as the only health care provider on the neighbor islands that provides cardiac surgery, interventional cardiology, interventional neurosurgery, and neurosurgery, the operations of Maui Health System, A Kaiser Foundation Hospitals LLC, are critical to the health and well-being of many of the State's residents and visitors.

Your Committee has amended this measure by changing the appropriations to unspecified amounts to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 888, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 888, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1923 Ways and Means on H.B. No. 914

The purpose and intent of this measure is to clarify that, except as provided by law, the party seeking the review of a decision and order of the Hawaii Labor Relations Board shall bear the cost of preparing a transcript.

Your Committee received written comments in support of this measure from the Hawaii Labor Relations Board.

Your Committee finds that clarifying that parties seeking review of the Board's decisions and orders shall be responsible for the cost of preparing transcripts, except as provided by law, will ensure that those parties are aware of their duties and obligations with respect to applicable reviews.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 914, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 914, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1924 Ways and Means on H.B. No. 1093

The purpose and intent of this measure is to establish operating requirements for transportation network companies and to prohibit them from operating in the State without a permit issued by the Director of Transportation.

This measure also makes permanent the current motor vehicle insurance requirements relating to the motor vehicle used by a driver for a transportation network company.

Your Committee received written comments in support of this measure from Uber Technologies Inc. and Lyft.

Your Committee received written comments in opposition to this measure from Charley's Taxi, Roberts Hawaii, and Hawaii Passenger and Property Carriers Association.

Your Committee received written comments on this measure from the Department of Transportation Services of the City and County of Honolulu.

Your Committee finds that this measure will apply uniform requirements for transportation network companies across all counties and will provide consumers and drivers for transportation network companies with a consistent experience with the transportation network companies statewide.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1093, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1925 Ways and Means on H.B. No. 1187

The purpose and intent of this measure is to appropriate moneys from other funds of the program ID BUF 141, relating to the Employees' Retirement System Pension Trust, for certain expenses in fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Employees' Retirement System.

Your Committee finds that additional funds are needed for equipment updates, increased actuarial and legal costs, and an increase in staff positions.

Your Committee has amended this measure by changing the appropriations to unspecified amounts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1187, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1187, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

# SCRep. 1926 (Majority) Ways and Means on H.B. No. 1191

The purpose and intent of this measure is to increase the minimum wage and offset any adverse economic impact the increase may have on small businesses through an income tax credit.

Specifically, the measure:

- (1) Increases the minimum wage to \$12.00 per hour beginning January 1, 2020, and to \$15.00 per hour beginning January 1, 2023; and
- (2) Establishes an income tax credit for qualifying small businesses to offset the increase in the wages that employers pay to employees.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations, Hawaii State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work Hawaii, Americans for Democratic Action Hawaii, American Association of University Women of Hawaii, League of Women Voters of Hawaii, Hawaii Community Assets, Hawaii Catholic Conference, ILWU Local 142, Hawaii State Teachers Association, Oahu County Democrats, Hawaii Iron Workers Stabilization Fund, Hawaii Alliance for Community-Based Economic Development, Mary and Mike Properties LLC, PHOCUSED, Democratic Party of Hawaii, Democratic Party of Hawaii Labor Caucus, Hawaii Alliance for Progressive Action, IATSE Local 665, Living Wage Hawaii, Hawaii Government Employees Association, Democratic Party of Hawaii

Education Caucus, Pono Hawaii Initiative, IMUAlliance, Catholic Charities Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Bayada, Oahu County Democrats Legislative Priorities Committee, Midwives Alliance of Hawaii, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Restaurant Association; Hawaii Food Industry Association; 7-Eleven Hawaii; Hakuyosha International, Inc.; First Commercial Kitchen LLC; Duke's Waikiki; Condominium Rentals Hawaii; Tanaka of Tokyo; Pop's Inc.; Island Plastic Bags, Inc.; The Hawaii Food Manufacturers Association; Kauai Ice Distributors; Tiki's Grill & Bar; ABC Stores; Retail Merchants of Hawaii; Pacific Whale Foundation; Kalaheo Cafe and Coffee Co.; Teapresso II Gelato LLC; II Gelato Hawaii; Hawaii Petroleum Marketers Association; Holo Holo Charters; Molokai Chamber of Commerce; Hawaiian Chip Company, LLC; Chamber of Commerce Hawaii; Big City Diner; National Federation of Independent Business; Kauai Island Brewing Company; Maui Chamber of Commerce; Hawaii Lodging and Tourism Association; Kona-Kohala Chamber of Commerce; and numerous individuals.

Your Committee received written comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, Moiliili Community Center, Grassroot Institute of Hawaii, and SHRM Hawaii.

Your Committee finds that because Hawaii has the lowest average wage in the nation when adjusted for the cost of living, an increase in the minimum wage would assist the State's residents in maintaining economic self-sufficiency and avoiding falling into poverty.

Your Committee respectfully requests that the Committee on Conference convened for this measure consider the following amendments suggested by the Department of Taxation in its testimony:

- (1) Reformulating the tax credit to be based only on the increase in wages paid that are attributable to the increase in the minimum wage:
- (2) Amending the definition of "qualified small business" to allow businesses making less than a maximum amount of gross receipts to claim the tax credit; and
- (3) Establishing a definition for the term "total hourly wages paid."

Your Committee has amended this measure by adding a provision requiring the State to pay its full-time employees a wage at the rate of not less than \$17.00 per hour beginning on the effective date of the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1191, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1191, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, 1 (Riviere). Excused, 1 (Shimabukuro).

#### SCRep. 1927 Ways and Means on H.B. No. 1229

The purpose and intent of this measure is to appropriate funds for the education and support of local businesses regarding the federal Food and Drug Administration's industry guidance on colored sea salt, contingent upon the collective contribution by private businesses of one-half the cost of conducting a study of sea salt color additives that is to be submitted to the Food and Drug Administration for approval.

Your Committee received written comments in support of this measure from the Hawaii Food Manufacturers Association; Salty Wahine Gourmet Hawaiian Sea Salts; Molokai Chamber of Commerce; Chamber of Commerce Hawaii; Hawaiian Chip Company, LLC; H.K. Enterprise Group; Woodland Foods; and one individual.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism and one individual.

Your Committee finds that as Hawaii-made sea salt products are growing in popularity, this measure can help ensure the continued viability of the State's sea salt manufacturing industry.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1229, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

# SCRep. 1928 Ways and Means on H.B. No. 1273

The purpose and intent of this measure is to facilitate the provision of services to persons with intellectual and developmental disabilities.

Specifically, this measure:

- (1) Establishes and appropriates funds from the intellectual and developmental disabilities Medicaid waiver administrative claiming special fund; and
- (2) Requires the Department of Health to work with the Department of Human Services and other stakeholders to develop and distribute information about accessing Medicaid services for individuals with intellectual or developmental disabilities.

Your Committee received written comments in support of this measure from the Department of Health, Department of Human Services, Executive Office on Aging, State Council on Developmental Disabilities, Hawaii Substance Abuse Coalition, Hawaii

Disability Rights Center, The Arc of Kona, The Arc in Hawaii, Hawaii FASD Action Group, Full Life, Oahu County Democrats Legislative Priorities Committee, and two individuals.

Your Committee recognizes that with a special fund for depositing moneys received from federal financial participation for operating under the home and community-based services waiver for persons with intellectual and developmental disabilities, the Department of Health will have the infrastructure necessary to ensure the proper and efficient administration of the waiver and meet the growing federal requirements for community integration, quality, and accountability.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1273, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1929 Ways and Means on H.B. No. 1345

The purpose and intent of this measure is to appropriate moneys to the Department of Budget and Finance for the operations of the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee received written comments in support of this measure from the Hawaii Employer-Union Health Benefits Trust

Your Committee finds that supporting the operations of the Hawaii Employer-Union Health Benefits Trust Fund will provide continued and improved access to health care to the nearly two hundred thousand State and county employees and retirees, and their respective dependents, who rely on the trust fund for health insurance.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1345, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1345, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

### SCRep. 1930 Ways and Means on H.B. No. 1375

The purpose and intent of this measure is to require that the Governor include no less than \$2,000,000 in the executive budget as a recurring cost to be allocated to the State of Hawaii Museum of Natural and Cultural History.

Your Committee received written comments in support of this measure from the Hawaii Tourism Authority, Bishop Museum, Charles Reed Bishop Trust, Kamehameha Schools, Institute for Native Pacific Education and Culture, Kanu o Ka Aina Learning Ohana, Council for Native Hawaiian Advancement, The Queen's Health Systems, and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance and Department of the Attorney General.

Your Committee finds that State of Hawaii Museum of Natural and Cultural History, also known as the Bernice Pauahi Bishop Museum, stewards the largest collection of Hawaiian and Oceanic materials in the world. The additional funding will help the museum to hire additional staff, enhance operations, and ensure the care, protection, and preservation of its collections.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$2,000,000 to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1375, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1375, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

# SCRep. 1931 Ways and Means on H.B. No. 1408

The purpose and intent of this measure is to address the shortage of housing in the State.

Specifically, this measure:

- (1) Appropriates funds for the fiscal biennium 2019-2021 operating budget of the Hawaii Housing Finance and Development Corporation; and
- (2) Establishes the Office of the Housing Advocate to develop, advocate for, and implement solutions to the State's housing shortage.

Your Committee received written comments in support of this measure from the Oahu County Democrats Legislative Priorities Committee, Chamber of Commerce Hawaii, and Building Industry Association of Hawaii.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation and Department of the Attorney General.

Your Committee finds that the creation of an Office of the Housing Advocate within the Office of the Governor will facilitate the efficient use of resources across all executive departments to provide a focused effort to address the State's housing crisis.

Your Committee has amended this measure by removing provisions that appropriate funds for the fiscal biennium 2019-2021 operating budget of the Hawaii Housing Finance and Development Corporation.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1408, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1408, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 12. Noes, none. Excused, 1 (Shimabukuro).

#### SCRep. 1932 Ways and Means on H.B. No. 1468

The purpose and intent of this measure is to appropriate funds to the Department of Health for operating expenses relating to the school-based health center at Nanakuli High and Intermediate School, including the hiring of an unspecified number of advanced practice registered nurses and for various infrastructure improvements.

Your Committee received written comments in support of this measure from Nanakuli High and Intermediate School, Hawaii Primary Care Association, Waianae Coast Comprehensive Health Center, Waianae High School, Oahu County Democrats, and numerous individuals.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that school-based health centers provide an important service to students, as school-based health centers can improve access to comprehensive adolescent health care services, especially for those whose health conditions contribute to high absenteeism rates or those who would otherwise not seek care.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1468, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1933 Ways and Means on H.B. No. 1539

The purpose and intent of this measure is to create a two-phased exit plan for the Oahu Regional Health Care System from the Hawaii Health Systems Corporation.

Specifically, the first phase requires that changes in the scope or quantity of services at any facility of the Oahu Regional Health Care System shall require the prior approval of the Oahu Regional System Board.

The second phase gives the Director of Health, the Governor's Coordinator on Homelessness, and the Mayor of the City and County of Honolulu the right of first refusal to purchase the property rights of Maluhia Hospital or Leahi Hospital that are being privatized. The second phase also eliminates the Oahu Regional Health Care System from the Hawaii Health Systems Corporation.

Additionally, this measure requires the Oahu Regional System Board to develop a five-year strategic plan for the sustainability and viability of Leahi Hospital and Maluhia Hospital as long-term care facilities on Oahu.

Your Committee received written comments in opposition to this measure from four individuals.

Your Committee received written comments on this measure from the Department of Health, Hawaii Health Systems Corporation, and Oahu Regional Health Care System.

Your Committee finds that by placing jurisdiction over Maluhia Hospital and Leahi Hospital under the Hawaii Health Systems Corporation Board of Directors, this measure can reduce the operational expenditures of the Hawaii Health Systems Corporation.

Your Committee has amended this measure by:

- (1) Correcting the terms "Oahu region" to "Oahu regional health care system," "Oahu regional board" to "Oahu regional system board," "Maui regions" to "Maui regional health care system," and "behavioral health services administration" to "behavioral health administration:"
- (2) Adding conforming amendments to section 323F-3(a), Hawaii Revised Statutes, corresponding to the changes in the size of the board of directors in parts II and III of the measure;
- (3) Clarifying that part II of the measure shall not be repealed, and part III of the measure shall not take effect, if a concurrent resolution calling for the retention of the Oahu Regional System Board is adopted; and
- (4) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1539, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1539, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 1934 Ways and Means on H.B. No. 1562

The purpose and intent of this measure is to appropriate and authorize funds for various operating expenses of the Department of Agriculture.

Your Committee received written comments in support of this measure from the Department of Agriculture and Hawaii Farm Bureau.

Your Committee finds that this measure appropriates and authorizes additional funds and positions for the Department of Agriculture above its current base budget for the 2019-2021 fiscal biennium.

Your Committee has amended this measure by:

- (1) Amending the amounts appropriated and number of positions authorized for various programs of the Department of Agriculture;
- (2) Adding a provision that authorizes the appropriations made to a program by this measure to be combined with appropriations made to the same program by any other Act enacted by the Legislature for the 2019-2021 fiscal biennium;
- (3) Adding a severability clause;
- (4) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1562, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1562, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

#### SCRep. 1935 Ways and Means on H.B. No. 1563

The purpose and intent of this measure is to appropriate funds for programs of the Department of Business, Economic Development, and Tourism.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation; Pacific International Space Center for Exploration; Oahu Economic Development Board; Economic Development Alliance of Hawaii; David S. De Luz, Sr. Enterprises, Inc.; Hawaii Island Economic Development Board; Hawaii Business Roundtable; Blue Startups; Kauai Economic Development Board; Maui Economic Development Board; and six individuals.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism; Office of Planning; Hawaii Community Development Authority; Small Business Regulatory Review Board; and one individual.

Your Committee recognizes that the provisions of this measure may be incorporated into the General Appropriations Act of 2019 or another legislative vehicle, or may be enacted as a separate Act.

Your Committee has amended this measure by inserting an authorization for an increase of \$180,294 for the expenditure ceiling of the Hawaii community development revolving fund for fringe benefits for each of the fiscal years 2019-2020 and 2020-2021.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1563, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1563, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1936 (Majority) Ways and Means on H.B. No. 838

The purpose and intent of this measure is to exempt certain eleemosynary organizations that intend to engage in public works projects or operations involving the installation or maintenance of mooring systems for vessels under one hundred gross tons from the requirements of chapter 444, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from Alii Nui Charters, Calypso Charters, Malolo Charters, Ocean Tourism Coalition, PacWhale Eco Adventures, and an individual.

Your Committee received written comments in opposition to this measure from the Contractors License Board, Building Industry Association of Hawaii, The Chamber of Commerce Hawaii, Hawaii Iron Workers Stabilization Fund, IATSE Local 665, and Pride at Work Hawaii.

Your Committee received written comments on this measure from the State Procurement Office.

Your Committee finds that facilitating the construction and installation of day use mooring buoys by certain eleemosynary organizations will help to prevent damage to coral reefs resulting from collisions with anchors.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 838, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, 1 (Fevella). Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1937 (Joint) Judiciary and Ways and Means on H.B. No. 629

The purpose and intent of this measure is to create a medical release program within the Department of Public Safety for certain ill, disabled, or impaired inmates who pose a low risk to public safety.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Public Safety, Hawaii Paroling Authority, Community Alliance on Prisons, Hawai'i Health and Harm Reduction Center, Drug Policy Forum of Hawaii, and O'ahu County Democrats Legislative Priorities Committee. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney.

Your Committees find that the United States federal prison system and many states grant some kind of medical or compassionate release. Compassionate release provides physicians and other medical professionals an opportunity to use their unique expertise and knowledge of prognosis, geriatrics, cognitive and functional decline, and palliative medicine to ensure that medical criteria for compassionate release are evidence-based. With this medical information, criminal justice professionals can better determine the degree of risk an inmate poses to public safety and whether or not the inmate should be granted medical release.

Your Committees further find that a medical release program would facilitate the humane reunion of incarcerated individuals who pose little to no risk to society with their 'ohana and community while reducing the various costs associated with prison overcrowding for the State, taxpayers, and other inmates.

Your Committees have amended this measure by making it effective on March 1, 2020.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 629, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 629, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1938 (Joint) Judiciary and Ways and Means on H.B. No. 1176

The purpose and intent of this measure is to authorize law enforcement officers designated by the Director of Transportation to use electric guns and require them to be accredited to use electric guns by June 30, 2024.

Your Committees received testimony in support of this measure from the Department of Transportation, Maui Police Department, and O'ahu County Democrats Legislative Priorities Committee.

Your Committees find that harbor officers of the Department of Transportation are currently prohibited from carrying and using electric guns while on duty. Harbor officers are responsible for the security and law enforcement at all ten of the State's commercial harbors and play a vital role in protecting crucially important state infrastructure. Your Committees further find that while they are prohibited from using electric guns, harbor officers are authorized to carry firearms. Your Committees believe that electric guns can offer a safer alternative to the use of firearms in certain situations. This measure will allow harbor officers to more safely protect harbors in the State by authorizing them to use electric guns.

Your Committees have amended this measure by making it effective upon approval.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1176, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1176, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1939 Judiciary on H.B. No. 290

The purpose and intent of this measure is to:

- Update the Uniform Controlled Substances Act to make it consistent with amendments in the federal controlled substances law relating to approved cannabidiol drugs; and
- (2) Authorize qualifying patients or qualifying out-of-state patients to transport medical cannabis between islands for their personal medical use.

Your Committee received testimony in support of this measure from the Epilepsy Foundation of Hawaii, The Queen's Health Systems, Drug Policy Forum of Hawaii, Kaiser Permanente Hawai'i, Greenwich Biosciences, and Hawaii Educational Association for Licensed Therapeutic Healthcare. Your Committee received comments on this measure from the Department of Public Safety and Department of Transportation.

Your Committee finds that the federal controlled substances law was updated to include a Schedule V controlled substance used to treat certain childhood-onset epilepsy patients who were not previously helped by other epilepsy medicines. This measure updates the Hawaii Uniform Controlled Substances Act to reflect those recent changes to federal law.

Your Committee further finds that the Uniform Controlled Substances Act establishes general requirements on prescription quantity notations, and that implementing those requirements on electronic prescriptions in Hawaii will simplify the electronic prescription process without exposing patients to increased risk of error or fraud.

Accordingly, your Committee has amended this measure by:

- Clarifying that where an electronic prescription is permitted, either words or figures may be used to indicate the amount of controlled substance to be dispensed; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 290, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 290, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

### SCRep. 1940 Judiciary on H.B. No. 1163

The purpose and intent of this measure is to authorize a financial institution that is a depository institution to conduct savings promotion or prize-linked savings contests in which its account holders are contestants.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League and Hawaiian Community Assets. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that Hawaii's prohibition against gambling prevents financial institutions in the State from offering incentives in the form of prizes that can be won by customers depositing funds for the purpose of saving. Your Committee further finds that authorizing savings promotions or prized-linked savings contests will encourage customers to build personal savings.

Your Committee has amended this measure by removing language requiring the interest rate on a savings promotion or on prize-linked savings accounts to be lower than the interest rate associated with a comparable account.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1163, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1163, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

#### SCRep. 1941 Judiciary on H.B. No. 159

The purpose and intent of this measure is to increase criminal penalties for:

- (1) Anyone who knowingly keeps or maintains any structure or place for the purpose of using controlled substances or which is used for unlawfully keeping or selling controlled substances; and
- (2) Knowingly profiting from, advancing, or participating in gambling.

Your Committee received testimony in opposition to this measure from the Office of the public Defender.

Your Committee finds that increasing penalties for landowners who allow tenants and others to conduct illegal activity on the landowners' property can help deter crime. This measure increases criminal penalties for such landowners as a deterrent against fostering or encouraging unlawful activities on the landowner's property. However, your Committee further finds that increasing penalties for the offense of gambling itself will not advance that policy goal.

Accordingly, your Committee has amended this measure by:

- (1) Removing increased penalties for gambling and promoting gambling aboard ships; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 159, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 159, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

### SCRep. 1942 Judiciary on H.B. No. 756

The purpose and intent of this measure is to:

- (1) Require the Department of Transportation, after consultation with the counties, to adopt rules prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the Statewide Traffic Code; and
- (2) Specify the factors the Department of Transportation and the counties must take into account when setting maximum speed limits on a road.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Bicycling League, O'ahu County Democrats Legislative Priorities Committee, and Hawaii Strategic Highway Safety Plan.

Your Committee finds that uniform standards and specifications for official traffic control devices are important to provide consistency throughout the State and to ensure the safety of Hawaii's residents and visitors. Your Committee further finds that cities like Boston, Portland, and New York have benefited from state-level standards for speed limits and managing speeding. This measure will require the Department of Transportation, after consultation with the counties, to establish uniform standards and specifications for all official traffic control devices and will help address speed-related issues in the State.

Your Committee has amended this measure by:

- (1) Inserting an effective date of March 15, 2095, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 756, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 756, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1943 (Joint) Judiciary and Ways and Means on H.B. No. 1116

The purpose and intent of this measure is to:

- (1) Amend ballot requirements to display candidates for the Board of Trustees of the Office of Hawaiian Affairs by residency and non-residency requirements; and
- (2) Require the names of candidates in each group to be randomized on individual ballots and on ballots across precincts.

Your Committees received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee and two individuals. Your Committees received comments on this measure from the Office of Elections.

Your Committees find that under existing law, names of candidates for the Board of Trustees of the Office of Hawaiian Affairs are placed on the ballot in alphabetical order. Your Committees further find that the ordering of candidate names on a ballot has been shown to affect election outcomes because the first name on the ballot generally has an advantage over names listed further down the ballot. To mitigate any advantage that may arise from the order of candidate names on the ballot, this measure requires that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be randomized on individual ballots and also randomly rotated between precincts.

Your Committees additionally find that the method of vote counting currently used by the Office of Elections may not allow full randomization of candidate names on the ballot. Your Committees further find that this should not prevent the State from implementing the randomization of the names of candidates on ballots to the extent that randomization is feasible.

Accordingly, your Committees have amended this measure by requiring that if randomization of the names of candidates on individual ballots and on ballots across precincts is not feasible, then a feasible method that provides the greatest degree of randomization shall be used.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1116, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1116, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1944 Judiciary on H.B. No. 1165

The purpose and intent of this measure is to:

- (1) Require a license or state identification card to include a person's full legal name, date of birth, gender designation, residence address, and license number; and
- (2) Specify gender designation options of F, M, or X.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Transportation, Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, Pride at Work Hawaii, Rainbow Family 808, Lambda Law Student Association, American Civil Liberties Union of Hawai'i, GLSEN Hawaii, Hawai'i Health and Harm Reduction Center, Oʻahu County Democrats Legislative Priorities Committee, Hawaii Women's Coalition, and eleven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Hawaii has one of the largest transgender and gender non-conforming populations in the United States. Binary gender and sex markers on any form of identification can cause difficult and invasive questions and increases the likelihood of discrimination for transgender and gender non-conforming individuals when seeking employment, interacting with law enforcement, renting an apartment, and many other public situations. This measure will help to avoid discrimination against transgender and gender non-conforming individuals by expanding gender categories on government identification.

Your Committee has amended this measure by changing the effective date to July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1165, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1165, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 1945 (Joint) Housing and Ways and Means on H.B. No. 588

The purpose and intent of this measure is to require the State Sustainability Coordinator to complete a holistic and comprehensive study and plan for green infrastructure opportunities in the State and appropriate funds for the study and plan.

Your Committees received testimony in support of this measure from the Office of Planning, Oahu County Democrats, U.S. Green Building Council, and five individuals.

Your Committees find that the creation of green infrastructure plans at the state level can generate strategies to enhance and preserve the State's parks, agriculture, and coastal areas. State green infrastructure plans can also identify where the State can save on water management costs, decrease pollution, lower flooding risks, and address climate change. Your Committees further find that the State lacks a system to determine the most effective use of green infrastructure in Hawaii, essentially forfeiting valuable opportunities to cost effectively preserve the State's environment and improve the quality of life for residents. This measure will establish the foundation for green infrastructure plans in the State by requiring a holistic and comprehensive study and plan for green infrastructure opportunities in Hawaii.

Your Committees have amended this measure by inserting an effective date of July 1, 2150, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Housing and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 588, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 588, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Ways and Means: Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Inouye, Taniguchi).

#### SCRep. 1946 Judiciary on H.B. No. 988

The purpose and intent of this measure is to implement Section 106 of the federal Economic Growth, Regulatory Relief, and Consumer Protection Act (Section 106), which provides a one hundred twenty-day temporary transitional authority to originate loans in this State for loan originators moving from a depository institution to a non-depository institution and state-licensed loan originators moving interstate.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that federal law requires states to provide a one hundred twenty-day temporary authority to certain state-licensed mortgage loan originators moving from a depository institution to a non-depository institution and state-licensed loan originators moving interstate. This measure adds a new part to chapter 454F, Hawaii Revised Statutes, to implement these federal requirements in Hawaii.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 988, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 988, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee

Ayes, 4. Noes, none. Excused, 1 (Kim).

#### SCRep. 1947 Judiciary on H.B. No. 1532

The purpose and intent of this measure is to allow the Hawaii Labor Relations Board to admit and consider hearsay evidence in unfair labor practices proceedings.

Your Committee received testimony in support of this measure from the Hawaii Labor Relations Board and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Chapter of the Society for Human Resource Management.

Your Committee finds that the Hawaii Labor Relations Board hears cases involving unfair labor practices. Your Committee further finds that under the existing law, the Hawaii Labor Relations Board is not allowed to consider hearsay evidence in these proceedings. Your Committee additionally finds that proceedings before administrative boards are typically more relaxed and less bound by the formal rules of evidence than proceedings before a court, where hearsay evidence is only admissible in certain situations and for certain purposes. This measure will provide the Hawaii Labor Relations Board with the opportunity to evaluate in totality all facts and circumstances and allow it to consider all of the evidence in its decision-making process.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1532, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1532, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

# SCRep. 1948 Judiciary on H.B. No. 931

The purpose and intent of this measure is to:

- Prohibit landlords from recovering possession of a dwelling unit from tenants if habitability of the premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of the premises is significantly impaired; and
- (3) Provide remedies for retaliatory eviction.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawai'i State Commission on the Status of Women, Hawaii Regional Council of Carpenters, Parents and Children Together, Kokua Kalihi Valley, Pacific Resource Partnership, Pono Hawai'i Initiative, Hawaiian Community Assets, Lawyers for Equal Justice, Chinatown Gateway Plaza Tenant Association, and five individuals. Your Committee received testimony in opposition to this measure from Gustafson Real Estate, LLC; Oahu Chapter of the National Association of Residential Property Managers; Lani Properties Corporation; Cen Pac Properties, Inc.; Hawai'i Association of REALTORS; Maui Chapter of the National Association of Residential Property Managers; Hawaii Sands Realty; and eight individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the warranty of habitability is a principle based on contract law, wherein the tenant is responsible for paying rent, while the landlord guarantees in return that the premises are habitable and in compliance with health, safety, and building codes. The warranty of habitability has been recognized by the Hawaii Supreme Court but has not been codified in statute, resulting in it being largely unenforced. This measure codifies the Hawaii Supreme Court's decision establishing a warranty of habitability and sets minimum damages for tenants who have suffered retaliatory evictions, which will incentivize landlords to keep their rental units in a safe and sanitary condition.

Your Committee has amended this measure by clarifying that it applies to contracts that are renewed or extended after its effective date.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 931, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 931, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

### SCRep. 1949 Judiciary on H.B. No. 169

The purpose and intent of this measure is to clarify provisions of the State Ethics Code regarding gift disclosure statements, retention of financial disclosure statements, transcripts from contested case hearings, and ethics training.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission and Common Cause Hawaii.

Your Committee finds that under existing law, certain provisions of the State Ethics Code contain inconsistencies, inefficiencies, and overly burdensome administrative requirements. Your Committee further finds that issues exist in provisions regarding the filing of gift disclosure statements, retention of financial disclosure statements, access to transcripts from contested case hearings, and the frequency of required ethics training. This measure addresses these issues and improves administration of the State Ethics Code by eliminating the double filing requirement of gift disclosure statements, reducing the unnecessary administrative burden on Ethics Commission staff by only requiring records to be kept for six years after the filing date of each financial disclosure statement, eliminating language that restricted access to transcripts, and providing flexibility for participants in mandatory ethics training sessions.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 169, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 169, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

# SCRep. 1950 Judiciary on H.B. No. 501

The purpose and intent of this measure is to:

- Clarify the authorization of the use of fireworks by permit for movie, television, and theatrical productions and for activities for testing, disposal, and destruction of illegal fireworks by law enforcement; and
- (2) Allow the jurisdictional authority to approve the purchase and use of consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic for movie and television productions.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii State Fire Council; and Kauai Fire Department.

Your Committee finds that requiring the movie, television, and theatrical production industries to obtain a fireworks permit would improve the capabilities of county fire departments to monitor and regulate potentially hazardous activities involving fireworks. Your Committee further finds that providing an exception to the fireworks permit requirement for law enforcement will allow agencies to test, dispose of, or destroy illegal fireworks and streamline their ability to eliminate potentially hazardous fireworks from the State.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 501, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 501, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

#### SCRep. 1951 Judiciary on H.B. No. 699

The purpose and intent of this measure is to allow the Hawaii Public Housing Authority to evict a tenant convicted of a misdemeanor or felony committed during the term of the tenancy for an act related to the Hawaii Public Housing Authority's property or funds or its employees and their property.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committee received testimony in opposition to this measure from Americans for Democratic Action and the Drug Policy Forum of Hawai'i.

Your Committee finds that the Hawaii Public Housing Authority's highest priorities include the safety and well-being of its tenants, employees, and properties. When a tenant commits serious crimes related to the Hawaii Public Housing Authority's property or funds, they abuse their privilege as a tenant, undermine the safety of law-abiding public housing tenants, and take away housing opportunities from other law-abiding families of the State's most disadvantaged populations. Your Committee further finds, however, that evicting tenants who commit misdemeanors is overly broad and could result in an increased risk of homelessness for at-risk tenants.

Your Committee has amended this measure by removing language authorizing the Hawaii Public Housing Authority to evict a tenant convicted of a misdemeanor committed during the term of the tenancy for an act related to the Hawaii Public Housing Authority's property or funds or its employees and their property.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 699, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 699, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kim).

### SCRep. 1952 Judiciary on H.B. No. 989

The purpose and intent of this measure is to:

- Authorize the Commissioner of Financial Institutions to modify requirements and make new requirements in chapter 454M,
   Hawaii Revised Statutes, to implement changes and improvements made to the Nationwide Mortgage Licensing System; and
- (2) Authorize the Commissioner of Financial Institutions to issue cease and desist orders against licensees and unlicensed persons and to enter into consent orders.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that the Nationwide Mortgage Licensing System (NMLS) is a web-based nationwide licensing system that streamlines workflows and communications for applicants, licensees, and the Department of Commerce and Consumer Affairs' Division of Financial Institutions. Your Committee further finds that as the NMLS platform continues to evolve and allow for more efficient processing for both the states and industry, the Division of Financial Institutions requires the flexibility to allow the industry to use NMLS in the most efficient way possible. Your Committee finds that currently, the Division is unable to accept through NMLS an electronic bond uploaded by an insurance carrier. While your Committee understands the need for flexibility, the broad authority granted by this measure may not be necessary at this time.

Accordingly, your Committee has amended this measure by:

- (1) Removing language authorizing the Commissioner of Financial Institutions to modify, in whole or in part, by rule or order, any or all requirements of chapter 454M, Hawaii Revised Statutes, and language authorizing the establishment of new requirements, to the extent reasonably necessary to use NMLS;
- (2) Allowing documents required to be filed in conjunction with mortgage servicing licensing to be filed electronically;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 989, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 989, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kim).

#### SCRep. 1953 Judiciary on H.B. No. 1013

The purpose and intent of this measure is to establish an involuntary hospitalization task force to examine existing law and make recommendations to the Legislature to reduce unnecessary emergency department admissions and improve access for involuntary hospitalized (MH-1) patients to the most appropriate level of care.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Substance Abuse Coalition, Hawaii Pacific Health, Healthcare Association of Hawaii, The Queen's Health Systems, and O'ahu County Democrats Legislative Priorities Committee. Your Committee received comments on this measure from Kaiser Permanente Hawai'i.

Your Committee finds that the overlapping issues of mental illness, substance abuse, and homelessness present complex problems for the State. Your Committee further finds that incremental improvements to the framework of mental health treatment may provide some relief by addressing ambiguities and inconsistencies in existing law. This measure establishes a task force to examine existing laws and practices and make recommendations to the Legislature to reduce unnecessary emergency department admissions and improve standardized access for MH-1 patients.

Your Committee has amended this measure by:

- (1) Adding one representative from the Behavioral Health Programs of the University of Hawaii system to the task force;
- (2) Subjecting the task force to the requirements of chapter 92, Hawaii Revised Statutes, including the permitted interactions provisions:
- (3) Integrating the task force with the coordinated policy framework utilized by the Hawaii Opioid Initiative, including the expanded use of the policy by the Department of Health in the implementation of statewide mental health systems of care;
- (4) Authorizing the Department of Health to continue the work of the task force after the dissolution of the task force if the Department deems necessary;
- (5) Clarifying that the chief executive officers of designated facilities, a patient or mental health advocate, a representative from a social service agency, and a representative from a mental health emergency worker provider agency shall be invited as additional participants of the task force instead of as members; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1013, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1013, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1954 Judiciary on H.B. No. 945

The purpose and intent of this measure is to clarify Hawaii's charitable solicitation laws by:

- (1) Replacing the term "gross revenue" with "total revenue";
- (2) Defining the term "total revenue" for purposes of calculating the annual filing fee;
- (3) Clarifying when professional solicitors must file financial reports;
- (4) Clarifying when commercial co-venturers must provide a charitable organization with an accounting and the date by which a benefit must be conferred;
- (5) Clarifying that charitable organizations are required to submit financial audits only when otherwise required to do so by other external entities; and
- (6) Making other housekeeping amendments.

Your Committee received testimony in support of this measure from the Department of the Attorney General, University of Hawai'i Foundation, and Hawai'i Alliance of Nonprofit Organizations.

Your Committee finds that clarity of application of various federal laws and regulatory procedures for charitable organizations is of utmost importance in assisting those organizations in carrying out their charitable missions. As such, this measure clarifies terms for consistency with Internal Revenue Service forms, provides oversight of charitable organizations and fundraising activities, clarifies regulatory procedures for the non-profit sector, and provides additional disclosures to the public. This measure also repeals the requirement that certain charitable organizations submit an audit report with their annual financial reports, unless the organization is required to produce an audit report by other government authority or third party.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 945, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

# SCRep. 1955 (Joint) Commerce, Consumer Protection, and Health and Transportation and Ways and Means on H.B. No. 1583

The purpose and intent of this measure is to:

- (1) Authorize the Department of Education to evaluate the feasibility and cost-benefit of establishing and implementing a pilot microgrid to provide backup power in the event of a natural disaster or other similar emergency;
- (2) Authorize the Department of Transportation to evaluate the feasibility and cost-benefit of a renewable energy microgrid system to provide backup power in the event of a natural disaster or other similar emergency at one facility;
- (3) Authorize the Natural Energy Laboratory of Hawaii Authority to establish a microgrid demonstration project; and
- (4) Require the Public Utilities Commission to incorporate findings from public facility microgrid evaluations and pilots into its microgrid service docket and consider ways to incentivize the installation in public facilities of renewable energy systems that can provide backup power in the event the broader electric grid cannot provide power.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Education, Natural Energy Laboratory of Hawaii Authority, O'ahu County Democrats, O'ahu County Democrats Legislative Priorities Committee, and one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs and Public Utilities Commission.

Your Committees find that Hawaii's energy security is vulnerable to disruptions in the State's energy systems caused by natural disasters and there is an urgent need to evaluate the State's existing electric grids and their ability to withstand a natural disaster or similar emergency. Your Committees further find that in many areas of the State, public school structures have served as designated shelters during hurricane warnings and other disaster events and have a net-zero energy use goal by the year 2035. Therefore, many schools have begun to install renewable energy systems in order to meet this goal. According to testimony received by your Committees, operating several critical infrastructure facilities with the potential to host renewable energy systems configured as a microgrid could provide backup power and integrate with and supplement existing standby generators, which would greatly increase disaster preparedness. This measure therefore directs a number of state departments to evaluate the feasibility and cost-benefit of a renewable energy microgrid system to provide backup power in the event of an emergency, and establishes a number of other factors to be considered by the Public Utilities Commission to increase power resiliency in its ongoing and future proceedings.

Your Committees note that the Public Utilities Commission is currently working with the State's electric utilities and other key stakeholders in several related proceedings to address backup power options, including the development of a microgrid services tariff and the establishment of performance-based regulatory mechanisms for resilience. According to testimony from the Department of Commerce and Consumer Affairs, it may be more appropriate to give the Public Utilities Commission more flexibility in how it considers the information from the microgrid pilots and programs established by this measure, instead of being required to consider the findings and data in the microgrid tariff proceeding. Therefore, amendments to this measure are necessary to address this concern.

Your Committees have amended this measure by:

- (1) Clarifying that the agencies conducting the microgrid evaluations and pilots shall report findings and data to the Public Utilities Commission and clarifying the contents of the findings and data;
- (2) Requiring the Public Utilities Commission, upon receipt of the findings and data, to consider this information in current or future proceedings to evaluate ways to incentivize the installation of renewable energy systems in public facilities that can provide backup power in the event the broader electric grid cannot provide power; and
- (3) Updating the purpose section.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health, Transportation, and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1583, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1583, H.D. 2, S.D. 2.

Signed by the Chairs and President on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

Transportation: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Riviere).

# SCRep. 1956 (Joint) Judiciary and Ways and Means on H.B. No. 89

The purpose and intent of this measure is to:

- Allow law enforcement agencies to safely dispose of confiscated fireworks except for a sample that is to be retained for evidentiary purposes;
- (2) Authorize the court to establish a step-up fine structure based on the amount of fireworks confiscated and to impose a disposal fine to reimburse the counties for the costs of safely disposing of confiscated fireworks;
- (3) Establish that each type of fireworks unlawfully imported, purchased, ignited, or discharged constitutes a separate offense; and
- (4) Appropriate funds as a grant to the Honolulu Police Department for a secure container in which to store confiscated fireworks.

Your Committees received testimony in support of this measure from the Hawaii State Fire Council and Maui Fire Department. Your Committees received comments on this measure from the Judiciary.

Your Committees find that illegal fireworks pose a serious risk of injury and can be a noise nuisance to the community. Your Committees further find that greater deterrents to illegal fireworks are necessary, as is consideration for the safe disposal of illegal fireworks once confiscated. However, your Committees additionally find that authorizing the courts to determine and establish a step-up fine structure based on the quantity of fireworks confiscated may be a policymaking determination that is inconsistent with the neutral adjudicative role of the courts to apply the law to the facts of individual cases. Your Committees also find that the imposition

of a disposal fine to reimburse the counties may require the court to hold further hearings regarding the costs incurred by the counties, which could result in additional delays and procedural expenses.

Accordingly, your Committees have amended this measure by:

- (1) Authorizing the courts to impose an additional fine of up to \$100 per kilogram of fireworks confiscated instead of allowing the courts to establish a broad step-up fine structure based on the quantity of fireworks confiscated;
- (2) Removing the disposal fine as a reimbursement to the counties;
- (3) Removing language establishing that each type of fireworks unlawfully imported, purchased, ignited, or discharged constitutes a separate offense;
- (4) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 89, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 89, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1957 (Joint) Judiciary and Ways and Means on H.B. No. 393

The purpose and intent of this measure is to:

- (1) Create a fiduciary duty on Employer-Union Health Benefits Trust Fund trustees;
- (2) Prohibit transactions where the trustee has a conflict of interest; and
- (3) Establish liabilities for breach of fiduciary duty.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO and the Oahu County Democrats Legislative Priorities Committee. Your Committees received testimony in opposition to this measure from the Department of Budget and Finance.

Your Committees find that under existing law, Employer-Union Health Benefits Trust Fund (EUTF) trustees owe no fiduciary duty to the participants or beneficiaries of the EUTF when acting on their behalf. Your Committees further find that currently, EUTF trustees may represent participants or beneficiaries where there is a conflict of interest. This measure creates a fiduciary duty on EUTF trustees which will increase the accountability of the EUTF trustees to the participants or beneficiaries and better protect their interests. Your Committees note that some of the terminology in this measure relating to fiduciary responsibilities may not be entirely appropriate to EUTF trustees, and encourage further discussion on this issue as this measure proceeds in the legislative process.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 393, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 393, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 1958 (Joint) Judiciary and Ways and Means on H.B. No. 673

The purpose and intent of this measure is to:

- (1) Provide a process for the voluntary or involuntary sale or transfer of an individual dispensary license;
- (2) Prohibit an employer from discriminating against a person in hiring, termination, or conditions of employment based on the person's status as a qualifying patient and from taking action against an employee based solely on the employee's status as a qualifying patient or if the results of the employee's drug test are positive for cannabis, subject to certain exceptions; and
- (3) Specify permissible and impermissible actions by employers and employees.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, Drug Policy Forum of Hawai'i, Hawaii Society of Naturopathic Physicians, Hawaii Educational Association for Licensed Therapeutic Healthcare, LGBT Caucus of the Democratic Party of Hawaii, MediSpa Maui, and eighteen individuals. Your Committees received testimony in opposition to this measure from the Maui Police Department, Kauai Community Health Alliance, and six individuals. Your Committees received comments on this measure from the Department of Labor and Industrial Relations, Department of Health, Department of the Attorney General, Akamai Cannabis Clinic, and one individual.

Your Committees find that medical cannabis dispensaries are vital to ensuring medical cannabis patients have adequate access to medical cannabis. Your Committees further find that there may be situations where the leadership within a licensed dispensary has changed; however, existing law does not provide a process for the sale or transfer of any significant interest in a licensed dispensary.

Your Committees additionally find that although the medical use of cannabis by a qualifying patient to alleviate the symptoms or effects of the qualifying patient's debilitating medical condition is permitted under state law, there are no corresponding employment protections for qualifying patients. A qualifying patient can therefore be discriminated against in the hiring process, merely because of the patient's status as a qualifying patient, or fired at an employer's discretion for failing a drug test, even if the qualifying patient is not exhibiting any symptoms of being impaired.

This measure clarifies the procedure for the sale or transfer of significant interests in a licensed dispensary in certain situations and provides employment protections for qualifying medical cannabis patients.

Your Committees have amended this measure by:

- (1) Clarifying that in the event of death, legal incapacity, or permanent disability of an individual dispensary licensee, the entity licensee must provide a plan for the sale or transfer of the license to the Department of Health within thirty days of notifying the Department of the licensee's inability to continue in the individual's capacity as a licensee;
- (2) Removing specific situations in which an employee who is a qualifying patient and who fails a drug test may be disciplined;
- (3) Requiring that an employee be impaired before an employer may discipline the employee rather than allowing disciplinary action based on the employer's reasonable belief that an employee is impaired;
- (4) Clarifying the definition of "impaired";
- (5) Simplifying third party causes of action arising from the actions of impaired employees and limiting claims to situations in which the employee was impaired and the employer knew or should have known;
- (6) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 673, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 673, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1959 (Joint) Judiciary and Ways and Means on H.B. No. 1192

The purpose and intent of this measure is to:

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity; and
- (3) Require employers to disclose wage ranges to employees and prospective employees.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission; Hawai'i State Commission on the Status of Women; Planned Parenthood Votes Northwest and Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Pride at Work Hawaii; American Association of University Women of Hawaii; American Association of University Women Windward, Americans for Democratic Action; Hawaii Appleseed Center for Law and Economic Justice; League of Women Voters of Hawaii; Hawaii Women's Coalition; American Civil Liberties Union of Hawaii; Oʻahu County Democrats Legislative Priorities Committee; Midwives Alliance of Hawaii; Fujiwara and Rosenbaum, LLLC; Zonta Club of Hilo; UNITE HERE Local 5 Hawaii; and eight individuals. Your Committees received testimony in opposition to this measure from Hawaii' Pacific Health; Chamber of Commerce Hawaii; Island Plastic Bags, Inc.; Building Industry Association of Hawaii; and Hawaii Chapter of the Society for Human Resource Management. Your Committees received comments on this measure from the Hawaii Food Industry Association and Hawaii Credit Union League.

Your Committees find that the federal Equal Pay Act prohibits wage discrimination on the basis of sex between employees within any establishment by paying employees of one sex at a lower rate than is paid to employees of the opposite sex, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. Your Committees further find that the Equal Pay Act permits differences in wages if the differential is caused by a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any factor other than sex. Your Committees additionally find that the protections under the Equal Pay Act are narrow and prone to restrictive interpretation. This measure will establish broad protections against wage discrimination in Hawaii that conform with other protections under existing state law.

Your Committees have amended this measure by clarifying that it is not the intent of the Legislature to affect or diminish the existing broad protections provided under part I of chapter 378, Hawaii Revised Statutes.

Your Committees have concerns about potential ambiguity in this measure regarding the circumstances under which employers are required to provide employees with the wage range for the employee's job title and substantially similar jobs. Your Committees note that section 378-2.4(e), Hawaii Revised Statutes, as proposed in section 3 of this measure, could be read to require that employers provide an employee with the wage range for the employee's job title and substantially similar jobs either:

- (1) Once annually if the employee requests to receive the wage range; or
- (2) Once annually and additionally upon request from the employee;

and that such consideration may merit further discussion as this measure proceeds through the legislative process.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1192, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1192, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1960 (Joint) Judiciary and Ways and Means on H.B. No. 1307

The purpose and intent of this measure is to:

- (1) Require the Legislative Reference Bureau to submit a report to the Legislature regarding the existing administrative hearings process in the State and the potential for a centralized office of administrative hearings;
- Require state departments and agencies to provide statistical, non-confidential information on contested case hearings to the Legislative Reference Bureau; and
- (3) Require the Legislative Reference Bureau to research centralized administrative hearings offices in other jurisdictions.

Your Committees received testimony in opposition to this measure from the Hawaii Civil Rights Commission. Your Committees received comments on this measure from the Legislative Reference Bureau.

Your Committees find that in many jurisdictions, administrative adjudications take place within a single agency that combines regulatory, enforcement, prosecutorial, and adjudicatory authority. Your Committees further find that in certain jurisdictions, the conflict of interest inherent in the same agency acting as prosecutor and judge has led to the establishment of state central hearing agencies, in which an independent administrative law judge, who is completely independent of the agency's prosecutorial functions, presides over the administrative litigation. This measure will require the Legislative Reference Bureau to compile information about contested case hearings in the State and other jurisdictions and report its findings to the Legislature.

Your Committees have amended this measure by:

- Requiring state departments and agencies to provide data required by the Legislative Reference Bureau in an electronic format approved by the Legislative Reference Bureau;
- (2) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1307, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1307, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1961 (Joint) Judiciary and Ways and Means on H.B. No. 543

The purpose and intent of this measure is to:

- (1) Direct the Hawaii Housing Finance and Development Corporation to initiate negotiations and exercise its power of eminent domain to acquire the Front Street Apartments affordable housing project on Maui; and
- (2) Extend the deadline to complete the Leialii affordable housing project on Maui.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; Office of the Mayor of the County of Maui; County of Maui Department of Housing and Human Concerns; Oʻahu County Democrats Legislative Priorities Committee; West Maui Taxpayers Association, Inc.; LahainaTown Action Committee; Maui Chamber of Commerce; ILWU Local 142; one member of the Maui County Council; and seven individuals. Your Committees received comments on this measure from Front Street Affordable Housing Partners.

Your Committees find that the Front Street Apartments project on the island of Maui provides affordable housing to more than 250 low-income residents and was developed using state financing and state tax credits in 2001 as an affordable rental housing project. Units in the Front Street Apartments were expected to remain affordable to low-income tenants for fifty years; however, the owners of the project have chosen to remove the project from the affordability requirements, thereby allowing them to rent out units at market rates and to raise rents for existing tenants. Your Committees believe that with the severe lack of affordable rentals in the State, the State needs to find ways to ensure that affordable rental units remain affordable for residents.

Your Committees additionally find that Act 150, Session Laws of Hawaii 2018 (Act 150), appropriated funds to construct the Leialii affordable housing project. Your Committees also find that while development activities and expenditures have begun, construction may not be finished by the time provided in Act 150.

This measure will ensure the continued availability of affordable rental housing on the island of Maui by requiring the acquisition of the Front Street Apartments and extending the deadline for completion of the Leialii affordable housing project.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 543, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1962 (Joint) Judiciary and Ways and Means on H.B. No. 333

The purpose and intent of this measure is to establish the state highway enforcement program and a parking violation surcharge in addition to other penalties and fines for parking violations on state highways.

Your Committees received testimony in support of this measure from the Department of Transportation, Mayor of the County of Kaua'i, Department of Planning of the County of Kaua'i, Hanalei Colony Resort, one member of the Kaua'i County Council, and four individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committees find that illegally parked vehicles blocking traffic lanes cause hazardous and unsafe conditions in many areas along state highways. Your Committees further find that the Department of Transportation, Highways Division, and Department of Public Safety, Law Enforcement Division, do not have sufficient staff to enforce parking violations and patrol remote portions of each island where many of the violations occur. This measure will provide additional resources to state and county law enforcement agencies to enforce parking violations and improve safety along state highways.

Your Committees have amended this measure by:

- (1) Removing the state highway enforcement program fund;
- (2) Increasing the amount of the state highway enforcement program surcharge to \$200;
- (3) Requiring that half of the monies collected by the district courts from state highway enforcement program surcharges be deposited into the state highway fund and half be disbursed to the police department of the county in which the violation occurred; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 333, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 333, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees. Judiciary: Ayes, 5. Noes, none. Excused, none. Ways and Means: Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Riviere).

# SCRep. 1963 (Joint) Judiciary and Ways and Means on H.B. No. 703

The purpose and intent of this measure is to:

- (1) Prohibit any person convicted of operating a vehicle under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant from purchasing or publicly consuming alcohol for a probation period to be determined by the court, following a sentencing or administrative licensing revocation;
- (2) Amend the sentencing requirements for operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant offenses; and
- (3) Amend the threshold for habitually operating a vehicle under the influence of an intoxicant offenses.

Your Committees received testimony in support of this measure from the Hawaii Chapter of Mothers Against Drunk Driving and two individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that operating a vehicle under the influence of an intoxicant is a serious offense that contributed to over fifty percent of traffic fatalities in 2015 and 2016. Your Committees further find that restrictions such as ignition interlock devices are effective at preventing intoxicated driving by those persons subject to the restrictions. This measure establishes additional restrictions to prohibit persons convicted of operating or habitually operating a vehicle under the influence of an intoxicant from purchasing or publicly consuming alcohol and strengthens state laws prohibiting driving while intoxicated.

Your Committees note the testimony of the Hawaii Chapter of Mothers Against Drunk Driving which points out that ignition interlock devices have prevented approximately 100,000 attempts to start a vehicle by persons who have been drinking alcohol. However, a large majority of the drivers who have been convicted of driving under the influence do not install ignition interlock devices, leaving the public at great risk of drunk drivers. Exempting drivers who elect to install ignition interlock devices on their vehicles from the prohibition from purchasing or publicly consuming alcohol may work to increase the overall use of ignition interlock devices, which will help prevent the number of persons driving under the influence and make Hawaii's roads safer for everyone.

Your Committees have amended this measure by:

- (1) Including "restricted persons" within the good faith provision of the liquor licensing laws;
- (2) Not requiring a person whose license has been suspended or revoked for driving under the influence to become a restricted person if the person obtains and installs an ignition interlock or similar system;

- (3) Requiring the President of the Senate and the Speaker of the House of Representatives to convene a task force to review existing laws relating to driving under the influence of an intoxicant; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 703, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 703, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1964 (Joint) Judiciary and Ways and Means on H.B. No. 808

The purpose and intent of this measure is to:

- Establish fines and penalties for knowingly capturing, taking, possessing, abusing, or entangling a shark, whether alive or dead, or killing a shark, within state marine waters;
- (2) Expand the existing prohibition on knowingly capturing or killing a manta ray to apply to all rays; and
- (3) Expand the prohibition regarding rays to include knowingly taking, possessing, abusing, or entangling a ray, whether alive or dead, or killing a ray, within state marine waters.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Land and Natural Resources, Sierra Club of Hawai'i, The Nature Conservancy of Hawai'i, For the Fishes, West Hawaii Humane Society, Water Inspired Conservation Group, One Ocean Conservation, O'ahu County Democrats Legislative Priorities Committee, Keiko Conservation International, Malama Mano, and twenty-two individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies, Captain Bob's Kona Fishing Charters, and eight individuals.

Your Committees find that sharks and rays are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committees further find that article XI, section 1, of the Hawaii State Constitution provides that the State "shall conserve and protect Hawaii's natural beauty and all natural resources". This measure will provide protection for sharks and rays by establishing and expanding prohibitions against knowingly capturing or killing them.

Your Committees have amended this measure by:

- (1) Making it effective on September 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 808, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 808, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1965 Ways and Means on H.B. No. 18

The purpose and intent of this measure is to remove certain limitations on the ability of survivors of childhood sexual abuse to file a civil claim.

More specifically, this measure:

- (1) Permits a survivor of childhood sexual abuse to file a civil claim against any person, not specifically the person who committed the act of sexual abuse; and
- (2) Repeals the statute of limitations for a survivor of childhood sexual abuse to file a civil claim.

Your Committee received written comments in support of this measure from the Hawaii State Commission on the Status of Women, American Association of University Women of Hawaii, Hawaii Women's Coalition, LGBT Caucus of the Democratic Party of Hawaii, Midwives Alliance of Hawaii, Oahu County Democrats, Planned Parenthood Votes Northwest and Hawaii, Rainbow Family 808, The Sex Abuse Treatment Center, and numerous individuals.

Your Committee received written comments in opposition to this measure from an individual.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that many children withhold disclosure of sexual abuse until adulthood for various reasons, including fear, helplessness, embarrassment, self-blame, and guilt. Accordingly, your Committee believes that repealing certain limitations that may prevent a survivor of childhood sexual abuse from filing a civil claim, including the statute of limitations, will allow victims greater access to legal redress through the courts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 18, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1966 Ways and Means on H.B. No. 125

The purpose and intent of this measure is to abolish various non-general funds under the purview of the Department of Land and Natural Resources pursuant to the recommendation of the Auditor in Auditor's Report No. 18-19.

Specifically, this measure abolishes the following funds:

- (1) The assistance in managing land fund;
- (2) The native resources and fire protection program special fund;
- (3) The preservation of endangered plants trust fund; and
- (4) The recreational renaissance state parks special fund.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the funds addressed by this measure do not meet the criteria for a trust fund or special fund and thus should be abolished.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 125, H.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

### SCRep. 1967 Ways and Means on H.B. No. 241

The purpose and intent of this measure is to regulate peer-to-peer motor vehicle sharing organizations in the State.

Specifically, this measure:

- (1) Defines terms related to peer-to-peer motor vehicle sharing organizations;
- (2) Prohibits vehicle lessors from renting, leasing, or offering for rent or lease, vehicles subject to a manufacturer's recall until all required repairs are made;
- (3) Requires a peer-to-peer motor vehicle sharing organization operating in the State to register with the Director of Taxation; and
- (4) Requires all vehicles rented or leased by peer-to-peer vehicle sharing organizations to carry minimum liability insurance coverage.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs, Department of Taxation, and Enterprise Holdings.

Your Committee received written comments in opposition to this measure from Drift, Getaround, and Turo.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that this measure protects consumer safety by increasing accountability in the peer-to-peer motor vehicle sharing industry, thereby protecting the State's residents and visitors who rent or lease cars.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 241, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1968 Ways and Means on H.B. No. 257

The purpose and intent of this measure is to facilitate assistance to the homeless.

Specifically, this measure:

- (1) Establishes criteria by which private lands may be used for the placement of ohana zones under the ohana zones pilot program;
- (2) Extends the sunset date for the ohana zones pilot program from June 30, 2021, to June 30, 2023; and
- (3) Extends the sunset date for the emergency department homelessness assessment pilot program and the medical respite pilot program from June 30, 2019, to June 30, 2020.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness; Department of Land and Natural Resources; Department of Human Services; Queen's Health Systems; Habitat for Humanity Hawaii Island, Inc.; ACCESS Capabilities, Inc.; and one individual.

Your Committee recognizes that ohana zones are designed to assist homeless persons find and transition into permanent housing and provide other necessary services. Your Committee finds that, under certain conditions, the placement of ohana zones on private property will allow the ohana zones pilot program to assist more of the State's homeless population. Your Committee also recognizes

the value of medical intervention services provided to homeless individuals under the emergency department homelessness assessment pilot program and the medical respite pilot program. Accordingly, your Committee finds that the continuation of these programs will offer assistance to a greater number of homeless individuals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 257, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 1969 Ways and Means on H.B. No. 654

The purpose and intent of this measure is to appropriate funds to the University of Hawaii Cancer Center to determine the etiologies of the high incidence of liver and bile duct cancer in the State.

Your Committee received written comments in support of this measure from the Department of Health, University of Hawaii, American Cancer Society Cancer Action Network, Oahu County Democrats Legislative Priorities Committee, and numerous individuals.

Your Committee finds that research is needed to better understand why Hawaii has one of the highest incidence of liver and bile duct cancer in the country and to inform public health interventions for liver and bile duct cancer prevention.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 654, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1970 Ways and Means on H.B. No. 678

The purpose and intent of this measure is to update definitions and terminology related to the state newborn hearing screening program and improve follow-up care for infants identified as deaf or hard of hearing by mandating that newborn diagnostic audiologic evaluation results be reported to the Department of Health.

Your Committee received written comments in support of this measure from the Department of Health, Executive Office on Early Learning, and Disability and Communication Access Board.

Your Committee finds that Hawaii's incidence of infants born deaf or hard of hearing is about twice of that in other states. Your Committee further finds that this measure will ensure that the Department of Health's Newborn Hearing Screening Program will be able to follow-up with families to facilitate further diagnostic testing or entry into early intervention services, as needed.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 678, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1971 Ways and Means on H.B. No. 709

The purpose and intent of this measure is to authorize a recount of votes cast at an election, to be conducted as provided by the Legislature.

Your Committee received written comments in support of this measure from the League of Women Voters of Hawaii.

Your Committee recognizes that the accurate tabulation of votes is a necessary element of proper governance. Accordingly, it is appropriate to authorize the Legislature to establish a statutory mechanism for vote recounts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 709, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1972 Ways and Means on H.B. No. 710

The purpose and intent of this measure is to protect reproductive health decisions and the utilization of family leave from discriminatory employment practices.

Your Committee received written comments in support of this measure from the Hawaii State Commission on the Status of Women, Save Medicaid Hawaii, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Healthy Mothers Healthy Babies, American Association of University Women of Hawaii, and two individuals.

Your Committee finds that this measure addresses a gap in existing State law, which bans pregnancy discrimination in the workplace but does not protect those who choose not to become pregnant or those who are trying to become pregnant.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 710, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

#### SCRep. 1973 Ways and Means on H.B. No. 713

The purpose and intent of this measure is to connect homeless individuals with employment and service providers.

Specifically, this measure:

- (1) Establishes a three-year pilot program that assists homeless individuals by providing them with temporary jobs in public service and connecting them with service providers; and
- (2) Appropriates funds for the pilot program.

Your Committee received written comments in support of this measure from the Hawaii State Judiciary; Governor's Coordinator on Homelessness; Habitat for Humanity Hawaii Island, Inc.; Hawaii Youth Services Network; and two individuals.

Your Committee finds that pilot programs similar to that proposed by this measure have been successfully implemented by other jurisdictions across the United States.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 713, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

#### SCRep. 1974 Ways and Means on H.B. No. 757

The purpose and intent of this measure is to prevent and eliminate traffic injuries and fatalities in the State through the adoption and implementation of a vision zero policy.

More specifically, this measure requires:

- (1) The Department of Transportation and each county's respective transportation department to adopt a vision zero policy that incorporates engineering, enforcement, education, and emergency response strategies to prevent traffic fatalities;
- (2) The State Highway Safety Council to collaborate with each county's respective traffic or highway safety council to develop a vision zero action plan and submit an interim progress report and a final report to the Legislature; and
- (3) The Department of Transportation to submit a report to the Legislature.

Your Committee received written comments in support of this measure from the Department of Transportation, Department of Transportation Services of the City and County of Honolulu, Office of the Mayor of the County of Hawaii, Maui County Council, Blue Zones Project, Hawaii Bicycling League, Hawaii Public Health Institute, Oahu County Democrats, Strategic Highway Safety Plan, and numerous individuals.

Your Committee finds that vision zero policies have been effective in preventing and eliminating traffic fatalities in jurisdictions that have adopted them. Accordingly, your Committee finds that the number of traffic fatalities and injuries in the State necessitates the statewide adoption of a vision zero policy.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 757, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1975 Ways and Means on H.B. No. 476

The purpose and intent of this measure is to prohibit the advertising for rental purposes of certain housing units.

Specifically, this measure:

- Prohibits advertising for rental purposes of public housing units and housing subject to an owner or renter occupancy requirement under chapters 201H, 206E, or 356D, Hawaii Revised Statutes, and requires county police departments to enforce the prohibition; and
- (2) Excludes from the prohibition any state agency publicizing or advertising a housing program under chapters 201H, 206E, or 356D, Hawaii Revised Statutes, and any county agency for a housing program under chapter 201H, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority and Habitat for Humanity Hawaii Island, Inc.

Your Committee received written comments in opposition to this measure from the City and County of Honolulu Police Department and the Hawaii Association of Realtors.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that this measure promotes fairness in housing opportunities by deterring those who are inclined to advertise for rental purposes certain restricted housing units or to violate the occupancy limitations of certain housing units.

Your Committee notes that the change in penalties accomplished by this measure falls within the purview of the Committee on Judiciary. Therefore, should the bill move to conference, your Committee recommends that further discussion regarding the measure include the Committee on Judiciary.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 476, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

#### SCRep. 1976 Ways and Means on H.B. No. 477

The purpose and intent of this measure is to facilitate the availability of affordable housing in Hawaii.

Specifically, this measure:

- (1) Establishes a homeownership housing revolving fund to provide funds for the development of affordable for-sale housing projects by nonprofit community development financial institutions and nonprofit housing development organizations under a self-help housing program; and
- (2) Establishes the qualified nonprofit housing trust program to authorize the Hawaii Housing Finance and Development Corporation to provide loans to qualified nonprofit housing trusts and nonprofit community development financial institutions to develop affordable housing units.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation; Aloha United Way; Honolulu Habitat for Humanity; Hawaii Habitat for Humanity Association, Inc.; Habitat for Humanity Hawaii Island, Inc.; Partners in Housing; Hawaii Alliance for Community-Based Economic Development; Chamber of Commerce Hawaii; and Hawaiian Community Assets.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that the State should explore effective programs that will improve affordability and reduce obstacles to home ownership.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 477, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

#### SCRep. 1977 Ways and Means on H.B. No. 533

The purpose and intent of this measure is to improve broadband accessibility in the State.

More specifically, this measure:

- (1) Establishes the Broadband Office within the Hawaii Technology Development Corporation;
- (2) Establishes the position of State Broadband Strategy Officer;
- (3) Requires the Chief Executive Officer of the Hawaii Technology Development Corporation, rather than the Director of Commerce and Consumer Affairs, to convene and chair a Broadband Advisory Council; and
- (4) Amends the Council's purpose and membership.

Your Committee received written comments in support of this measure from the Department of Health; Cable Television Division of the Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Department of Education; Oahu Economic Development Board; Hawaii Technology Development Corporation; and one individual.

Your Committee finds that broadband access helps to foster economic development, education, health, community building, and civic engagement. Accordingly, your Committee recognizes the importance of creating a central office to make broadband services readily available throughout the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 533, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1978 Ways and Means on H.B. No. 613

The purpose and intent of this measure is to establish the state YouthBuild Program to assist non-profit and public entities in applying and qualifying for federal YouthBuild program grants from the United States Department of Labor.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations, Hawaii Alliance for Community-Based Economic Development, Hawaiian Community Assets, and Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that a state YouthBuild Program will help to create training and employment opportunities for at-risk youth who can in turn help construct needed affordable housing.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 613, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

#### SCRep. 1979 Ways and Means on H.B. No. 297

The purpose and intent of this measure is to protect Hawaii residents from mosquito-borne illnesses such as Zika and Dengue viruses

Specifically, this measure requires the:

- (1) Department of Agriculture to review the Aedes aegypti mosquito with Wolbachia bacteria, including Aedes aegypti mosquitoes originating from Hawaii stock that could be imported for landscape-scale mosquito control, and render a determination to place it on the appropriate animal import list; and
- (2) Departments of Agriculture, Health, and Land and Natural Resources to collaborate on a report to the Legislature with recommendations for appropriate vector control programs.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Department of Health, and one individual.

Your Committee finds that studies have concluded that the release of Wolbachia-carrying Aedes aegypti mosquitoes and subsequent interbreeding with wild mosquitoes can reduce the ability of cumulative mosquito populations to serve as disease vectors.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 297, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

### SCRep. 1980 Ways and Means on H.B. No. 340

The purpose and intent of this measure is to appropriate funds to the Hawaii Technology Development Corporation for the Small Business Innovation Research Program and Manufacturing Assistance Program.

The measure also appropriates funds into and out of the alternative energy research and development revolving fund for the purpose of providing grants to qualifying businesses that conduct alternative energy research.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation; Chamber of Commerce Hawaii; Makai Ocean Engineering, Inc; Oceanit; and one individual.

Your Committee finds that continuation of the Small Business Innovation Research Program and Manufacturing Assistance Program will support further growth in Hawaii's manufacturing industry, and that providing grants to qualifying businesses will encourage alternative energy research and development.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 340, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1981 (Majority) Ways and Means on H.B. No. 407

The purpose and intent of this measure is to regulate the termination procedure for a complex area superintendent in the State.

Specifically, this measure requires that:

- (1) The Board of Education issue an approval prior to the termination of a complex area superintendent in the State; and
- (2) A complex area superintendent have adequate opportunity to present the complex area superintendent's case to the Board of Education prior to the Board's termination decision.

Your Committee received written comments in opposition to this measure from the Board of Education.

Your Committee finds that this measure grants the Board of Education the flexibility to terminate a complex area superintendent, while also preserving the right of a complex area superintendent to present a case against termination prior to the Board's decision.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 407, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki, Riviere, Fevella). Noes, 1 (Harimoto). Excused, 2 (English, Inouye).

# SCRep. 1982 Ways and Means on H.B. No. 422

The purpose and intent of this measure is to authorize the Hawaii Tourism Authority to enter into contracts for the marketing of all uses of the Hawaii Convention Center separately from the management, use, operation, or maintenance of the facility.

Your Committee received written comments in support of this measure from the Hawaii Tourism Authority and Hawaii Lodging and Tourism Association.

Your Committee finds that authorizing a management contract to be separate from a marketing contract will enable the Hawaii Tourism Authority to centralize the sales effort for all meetings, conventions, and incentives, which primarily result from customer

requests that are directed to a single point of contact. Your Committee further finds that centralizing the sales effort will facilitate efficiencies in staffing, marketing, travel, and sales technology.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 422, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 1983 Ways and Means on H.B. No. 437

The purpose and intent of this measure is to facilitate mental health services for individuals traumatized by certain violent crimes.

More specifically, this measure authorizes crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence.

Your Committee received written comments in support of this measure from the Department of Health, Crime Victim Compensation Commission, Hawaii State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii Psychological Association, Mental Health America of Hawaii, and The Sex Abuse Treatment Center.

Your Committee finds that the Crime Victim Compensation Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay for un-reimbursed crime-related expenses. However, some individuals who are severely impacted by violent crime are not eligible for compensation for mental health services. These include surviving family members in cases involving murder, manslaughter, and negligent homicide and children who witness domestic violence. Your Committee finds that this measure is intended to assist such individuals by ensuring that mental health services are accessible and affordable.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 437, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1984 Ways and Means on H.B. No. 439

The purpose and intent of this measure is to expedite the development of affordable housing on state lands.

Specifically, this measure:

- (1) Exempts from the definition of "public lands" those lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation for the primary purpose of developing affordable housing; and
- (2) Provides that any sale or transfer of lands set aside to the Hawaii Housing Finance and Development Corporation remains subject to legislative approval.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, Chamber of Commerce Hawaii, Building Industry Association of Hawaii, Land Use Research Foundation of Hawaii, and one individual.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the exemption provided by this measure will allow the Hawaii Housing Finance and Development Corporation to develop affordable housing on state-owned land without requiring authorization from the Board of Land and Natural Resources for ministerial real estate transactions and approvals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 439, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1985 Ways and Means on H.B. No. 419

The purpose and intent of this measure is to establish various provisions relating to transient accommodations.

Specifically, this measure:

- (1) Authorizes the allocation of an unspecified amount of transient accommodations tax revenues to the counties to enforce applicable laws and ordinances relating to transient accommodations and short-term vacation rentals, provided that certain requirements are met;
- (2) Amends the definition of "transient accommodations" in the transient accommodations tax law to include other forms of transient accommodations and other terms as may be defined by the counties;
- (3) Prohibits a hosting platform from providing, and collecting a fee for, booking services in connection with transient accommodations located in the State if the operator or plan manager is not registered with the Director of Taxation;
- (4) Requires transient accommodations brokers, hosting platforms, and booking services to submit periodic reports of transient accommodations listings to the Department of Business, Economic Development, and Tourism;

- (5) Enables a transient accommodations broker to register as a tax collection agent with respect to transient accommodations taxes and general excise taxes for the broker's operators and plan managers; and
- (6) Requires operators and plan managers to remove transient accommodation advertisements upon notice that the corresponding properties are not in compliance with state law or county ordinance.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs; Department of Planning, County of Maui; Department of Planning and Permitting, City and County of Honolulu; Department of Planning, County of Kauai; Chair of the Maui County Council; Kohala Coast Resort Association; Maui Hotel and Lodging Association; and Hawaii Lodging and Tourism Association.

Your Committee received written comments in opposition to this measure from Airbnb and sixteen individuals.

Your Committee received written comments on this measure from the Department of Taxation; Office of the Mayor, County of Hawaii; Rental By Owner Awareness Association; Tax Foundation of Hawaii; Expedia Group; and one individual.

Your Committee finds that, as the transient accommodations industry evolves, the laws relating to transient accommodations should be amended to ensure that accommodations are properly regulated.

Your Committee has amended this measure by deleting its contents and inserting language to establish a new chapter within the Hawaii Revised Statutes that:

- (1) Authorizes transient accommodations in the State, subject to certain requirements, including compliance with transient accommodations tax law, general excise tax law, and permitting requirements;
- Requires operators, plan managers, and their respective properties to be listed on registries that shall be created by each county;
- (3) Subjects hosting platforms to certain requirements, including the collection and remittance of transient accommodations taxes and general excise taxes and the disclosure of certain information relating to transient accommodation listings;
- (4) Authorizes the Department of Taxation to adopt rules and fees for the purposes of the new statutory chapter;
- (5) Establishes penalties and other enforcement provisions for violations of the new statutory chapter; and
- (6) Provides that the new statutory chapter shall not be construed to prohibit local governments from adopting, monitoring, and enforcing local land use ordinances, or to transfer the authority to monitor and enforce those ordinances away from the counties.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 419, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 419, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1986 Ways and Means on H.B. No. 32

The purpose and intent of this measure is to extend from September 1, 2019, to November 13, 2019, the deadline for the Legislative Reference Bureau to submit the sunrise analysis regarding the establishment of paid family leave for the State, as required by Act 109, Session Laws of Hawaii 2018.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii State Commission on the Status of Women, PHOCUSED, Hawaii Appleseed Center for Law and Economic Justice, Retail Merchants of Hawaii, American Association of University Women of Hawaii, Hawaii State Teachers Association, Chamber of Commerce Hawaii, and Maui Chamber of Commerce.

Your Committee received written comments on this measure from the Chamber of Commerce Hawaii.

Your Committee finds that the completion of the sunrise analysis required by Act 109, Session Laws of Hawaii 2018, aligns with a more responsive public policy to support Hawaii's working families. Additionally, your Committee finds that this measure will allow the Legislative Reference Bureau sufficient time to reissue an amended request for proposals and identify a qualified contractor to prepare the analysis of paid family leave required by Act 109, Session Laws of Hawaii 2018.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 32, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 32, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 1987 Ways and Means on H.B. No. 748

The purpose and intent of this measure is to prohibit civil asset forfeiture except when the covered offense is chargeable as a felony and the owner of the asset has been convicted.

Your Committee received written comments in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Americans for Democratic Action Hawaii, Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawaii, Drug Policy Alliance, Oahu County Democrats, and six individuals.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources, Hawaii Police Department, Maui Police Department, and the City and County of Honolulu Department of the Prosecuting Attorney.

Your Committee received written comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that requiring a criminal conviction before permanently confiscating an offender's property will help to both establish an important protection for property owners and ensure fairness in the asset forfeiture process.

Your Committee has amended this measure by:

- (1) Requiring that all proceeds of forfeited property, after payment of expenses of administration and sale, be deposited to the credit of the state general fund; and
- (2) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 748, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 748, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1988 Ways and Means on H.B. No. 463

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture, in partnership with the agricultural community, to establish a food safety certification training program for small and medium sized farms to comply with federal requirements.

Your Committee received written comments in support of this measure from the Department of Agriculture, Ulupono Initiative, and one individual.

Your Committee finds that this measure aligns with the State's goals of preserving diversified small farming businesses, promoting food resiliency, and diversifying Hawaii's economy.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 463, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 463, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Inouye, Taniguchi).

### SCRep. 1989 Ways and Means on H.B. No. 465

The purpose and intent of this measure is to appropriate moneys to fully fund the Department of Health's kupuna care program.

Your Committee received written comments in support of this measure from the Executive Office on Aging, Maui County Office on Aging, Policy Advisory Board for Elder Affairs, Chinatown Gateway Plaza Tenant Association, Catholic Charities Hawaii, Hawaii Chapter of the American Physical Therapy Association, Zonta Club of Hilo, Oahu County Democrats, AARP Hawaii, ILWU Local 142, and seven individuals.

Your Committee finds that the kupuna care program provides a continuum of home and community-based services and supports that allow older adults to age in place, preventing or delaying the need for more restrictive levels of care. Your Committee further finds that the kupuna care program assists frail adults, sixty years of age and older, to lead independent, meaningful, and dignified lives.

Your Committee has amended this measure by:

- (1) Changing the amount of the appropriation to \$4,145,695 for each year of the fiscal biennium 2019-2021;
- (2) Specifying that any funds appropriated pursuant to this measure shall be included in the base budget of the Executive Office on Aging; and
- (3) Providing that, with the approval of the Governor, the funds appropriated may be transferred to the General Appropriations Act of 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 465, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 465, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1990 Ways and Means on H.B. No. 467

The purpose and intent of this measure is to amend the kupuna caregivers program allocation cap and to appropriate funds for the continued implementation of the program.

Your Committee received written comments in support of this measure from the Executive Office on Aging; Hawaii State Commission on the Status of Women; Policy Advisory Board for Elder Affairs; Office on Aging of the County of Maui; Oahu County Democrats; ILWU Local 142; AARP Hawaii; Caring Across Generations; American College of Obstetricians and Gynocologists, Hawaii Section; Hawaii Women's Coalition; Midwives Alliance of Hawaii; Zonta Club of Hilo; Hawaii Appleseed Center for Law and Economic Justice; Young Progressives Demanding Action; Palehua Townhouse Association; Chinatown Gateway Plaza Tenant Association; Church of the Crossroads; Catholic Charities Hawaii; Faith Action for Community Equity; Hawaii Family Caregiver Coalition; Hawaii Psychological Association; Mental Health America of Hawaii; and numerous individuals.

Your Committee finds that amending the program allocation cap from a daily amount to a weekly amount would give the Area Agencies on Aging greater flexibility in how the funds are used.

Your Committee has amended this measure by:

- Changing the amount authorized and appropriated for the kupuna caregivers program from \$2,000,000 to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 467, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 467, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1991 Ways and Means on H.B. No. 468

The purpose and intent of this measure is to appropriate funds for the healthy aging partnership program to ensure the program's continued role in improving the health and well-being of Hawaii's senior citizens.

Your Committee received written comments in support of this measure from the Executive Office on Aging, Maui County Office on Aging, Hawaii Chapter of the American Physical Therapy Association, ILWU Local 142, AARP Hawaii, Policy Advisory Board for Elder Affairs, Hawaii Family Caregiver Coalition, Zonta Club of Hilo, and numerous individuals.

Your Committee finds that funding the healthy aging partnership program maximizes opportunities for older adults to age well in their own homes, remain active, and enjoy life in their communities.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount to \$550,000; and
- (2) Limiting the appropriation to only the 2019-2020 fiscal year.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 468, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 468, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1992 Ways and Means on H.B. No. 582

The purpose and intent of this measure is to establish or amend various laws relating to the care of the elderly and disabled in state-licensed care facilities.

Specifically, this measure:

- (1) Extends laws relating to site visits and licensing of adult residential care homes to adult day care centers;
- (2) Extends the penalties for unlicensed operations of adult residential care homes and hospice homes to community-based foster family homes, adult foster homes, and adult day care centers;
- (3) Requires the University of Hawaii or a neutral third party to post vacancy information on state-licensed care facilities on its website to facilitate the referral and placement of individuals;
- (4) Establishes a caregiver and case manager compensation task force within the Department of Health to examine issues relating to compensation and insurance reimbursement;
- (5) Provide timeframes for the Department of Health's decisions on applications for certificates of approval to operate community care foster family homes; and
- (6) Preserves the current organization of laws relating to site visits and licensing of adult residential care homes.

Your Committee received written comments in support of this measure from the Department of Health, United Group of Home Operators, Adult Foster Homecare Association of Hawaii, Big Island Adult Residential Carehome, and several individuals.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that this measure will protect the welfare of the elderly and disabled clients in state-licensed care facilities while providing financial relief to their caregivers.

Your Committee has amended this measure by:

- Clarifying that participation on the task force by representatives from care home case managers and from care home facility organizations or operations is voluntary;
- (2) Correcting the name of the developmental disabilities council to "State Council on Developmental Disabilities;"
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 582, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 582, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Keith-Agaran, Riviere, Taniguchi).

#### SCRep. 1993 Ways and Means on H.B. No. 912

The purpose and intent of this measure is to help ensure that the medical bills of seriously injured employees are paid in a timely manner.

Specifically, this measure:

- (1) Requires an employer to pay for all medical services relating to an employee's compensable injury and the employee's rehabilitation within sixty days of receipt of the bill for services; and
- (2) Establishes a process for employers to dispute the payment of an employee's medical bill.

Your Committee received written comments in support of this measure from the Department of Labor and Industrial Relations and Automated HealthCare Solutions.

Your Committee received written comments in opposition to this measure from the Hawaii Insurers Council.

Your Committee received written comments on this measure from the City and County of Honolulu, Work Star Injury Recovery Center, and Hawaiian Electric Company.

Your Committee finds that ongoing investigations of pending workers' compensation claims delay care and compensation to injured employees. Your Committee further finds that establishing a deadline by which an employer must pay for medical expenses will ensure that medical services are paid for in a timely manner and that employees receive the care and financial assistance that they need.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 912, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1994 Ways and Means on H.B. No. 908

The purpose and intent of this measure is to address homelessness through the use of transient accommodations tax revenues.

Specifically, this measure:

- (1) Allocates an unspecified amount from transient accommodations tax revenues to the tourism special fund for the Hawaii Tourism Authority to implement initiatives, in conjunction with the Hawaii Lodging and Tourism Association, to address homelessness in tourist and resort areas; provided that private sector matching funds are made available for the same purpose;
- (2) Appropriates an unspecified amount from the tourism special fund for the Hawaii Tourism Authority, in conjunction with the Hawaii Lodging and Tourism Association, to address homelessness in tourist and resort areas; and
- (3) Requires the Hawaii Tourism Authority to submit a report to the Legislature on the status of its initiatives to address homelessness in tourist and resort areas.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Tourism Authority, Maui Hotel and Lodging Association, Hawaii Lodging and Tourism Association, and Kohala Coast Resort Association.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that as homelessness is one of the State's most pressing problems, particularly in tourist and resort areas, it is appropriate for a portion of the revenues from this tax to be dedicated to addressing homelessness in tourist and resort areas.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 908, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Keith-Agaran, Riviere, Taniguchi).

#### SCRep. 1995 Ways and Means on H.B. No. 903

The purpose and intent of this measure is to require the Hawaii State Judiciary to establish a financial hardship task force to address the financial disparity of court-imposed fines and fees on low-income individuals.

Your Committee received written comments in support of this measure from the Hawaii State Judiciary.

Your Committee finds that, while the Judiciary currently and in the past has offered payment options for persons having a limited ability to pay, further exploration into alternative solutions is necessary.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 903, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

#### SCRep. 1996 Ways and Means on H.B. No. 1028

The purpose and intent of this measure is to expand the type of revenue that may be deposited into the endangered species trust fund

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and an individual.

Your Committee finds that, pursuant to section 195D-31(a)(3), Hawaii Revised Statutes, only fees and assessments charged for the "commercial" use of public lands and waters may be deposited into the endangered species trust fund. Your Committee further finds that, by repealing this restriction, this measure would allow the Department of Land and Natural Resources to seek additional types of revenue for the implementation of chapter 195D, Hawaii Revised Statutes, relating to the conservation of wildlife.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1028, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 1997 Ways and Means on H.B. No. 1007

The purpose and intent of this measure is to allow public employees participating in state- or county-sponsored deferred compensation plans to make both pre-federal-tax and post-federal-tax contributions to the plans.

Your Committee received written comments in support of this measure from the Department of Human Resources Development.

Your Committee finds that this measure, which adds a Roth option to public deferred compensation plans, provides participants with the opportunity for tax diversification.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1007, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Inouye, Taniguchi).

# SCRep. 1998 Ways and Means on H.B. No. 999

The purpose and intent of this measure is to help the Department of Human Services attract and retain qualified, experienced, and innovative individuals to fill certain positions.

Specifically, this measure:

- (1) Permanently exempts from provisions of the civil service law:
  - (A) The Governor's Coordinator on Homelessness;
  - (B) Five positions at the Med-QUEST Division; and
  - (C) Four positions in the Office of the Director of Human Services; and
- (2) Temporarily exempts from the civil service law:
  - (A) The research/health analytics manager in the Med-QUEST Division; and
  - (B) Certain positions in the Office of the Director of Human Services.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Department of Human Services, Catholic Charities Hawaii, Hawaii Health and Harm Reduction Center, Partners in Care, and Hawaii Kai Homeless Task Force.

Your Committee received written comments in opposition to this measure from the Hawaii Government Employees Association.

Your Committee received written comments on this measure from Early Childhood Action Strategy.

Your Committee finds that the positions exempted by this measure are required to effectively lead and manage the Department of Human Services' programs, oversee important operational, personnel, fiscal, and technology development matters, and improve access to and quality of department services.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 999, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 1999 Ways and Means on H.B. No. 993

The purpose and intent of this measure is to improve and enhance the effectiveness of the State Emergency Management Program.

More specifically, this measure:

- (1) Clarifies the duties and responsibilities of the Director and Administrator of the Hawaii Emergency Management Agency;
- (2) Clarifies the duties of the Hawaii Emergency Management Agency;
- (3) Requires each county to coordinate, develop, and implement a comprehensive emergency management plan and submit annual reports to the Administrator;
- (4) Renames the Emergency Reserve Corps to the Emergency Management Reserve Corps;
- (5) Clarifies the Emergency Management Reserve Corps's leadership, duties, and responsibilities;
- (6) Amends the Governor's expenditure ceiling for the Major Disaster Fund;
- (7) Requires the Administrator, instead of the Department of Defense, to request that the Legislature make appropriations from the fund:
- (8) Extends the date by which a report on allotments or expenditures from the fund shall be submitted;
- (9) Requires the Hawaii Emergency Management Agency, instead of the Department of Defense, to administer certain trust accounts; and
- (10) Requires that unexpended moneys in the Major Disaster Fund in an amount less than \$2,500,000 carry over to the next fiscal year.

Your Committee received written comments in support of this measure from the Department of Defense and Department of Transportation.

Your Committee finds that the Hawaii Emergency Management Agency has experienced numerous challenges over the last few years that have helped to highlight various statutory provisions that require updating in order to enhance and improve the State Emergency Management Program.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 993, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2000 Ways and Means on H.B. No. 901

The purpose and intent of this measure is to reduce the burden on state and county agencies to produce paper copies of reports, and to ensure that the State Publications Distribution Center receives state and county publications in an electronic format.

Your Committee received written comments in support of this measure from the Office of Enterprise Technology Services; Department of Education; Department of Transportation; Department of Commerce and Consumer Affairs; Department of Taxation; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Hawaii State Public Library System; Office of Information Practices; University of Hawaii; and Hawaii Health Systems Corporation.

Your Committee finds that by requiring both fewer paper copies and the deposit of electronic copies of government publications with the State Publications Distribution Center, this measure aligns with the changes in technology and public access to information, including the reduction in demand for reports produced in paper form.

Your Committee has amended this measure by making the measure effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 901, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 901, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 2001 Ways and Means on H.B. No. 867

The purpose and intent of this measure is to facilitate the administration of hiring state employees.

Specifically, this measure:

- (1) Establishes a position for an Administrative Assistant to the Director of Human Resources Development;
- (2) Provides that the Administrative Assistant:
  - (A) Shall facilitate and expedite the hiring and recruitment for civil service positions under the jurisdiction of the Department of Human Resources Development; and
  - (B) May reclassify and abolish vacant positions within state departments and agencies that are under the jurisdiction of the Department of Human Resources Development, subject to certain conditions.

Prior to decision making on this measure, your Committee made available for public review a proposed Senate Draft No. 2 (Proposed Draft) of this measure. The Proposed Draft amends the measure by:

- (1) Designating the existing substantive provisions of the measure as part I;
- (2) Inserting a new part II to the measure, which establishes and appropriates unspecified funds for a recruitment modernization program within the Department of Human Resources Development;
- (3) Changing its effective date to July 1, 2050; and
- (4) Making technical nonsubstantive changes.

Your Committee received testimony in support of Senate Draft No. 1 from the Oahu County Democrats.

Your Committee received testimony in support of the Proposed Draft from the Office of the Governor, Department of Human Resources Development, Department of Agriculture, and Department of Land and Natural Resources.

Your Committee received comments on the Proposed Draft from the Department of Budget and Finance.

Your Committee finds that steps should be taken to ensure that vacancies in state agencies are filled with qualified individuals. Your Committee recognizes that the Department of Human Resources Development could benefit from the services of an employee who serves as a liaison between that department and other state departments and agencies to facilitate and expedite the hiring and recruitment for civil service positions. Your Committee also finds that the establishment and funding of an effort to modernize employee recruitment efforts could help the State implement solutions to its recruitment problems.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

- (1) Changing the position title from the Administrative Assistant to the Director of Human Resources Development to the Experimental Modernization Administrative Officer;
- Replacing the new officer's authority to reclassify and abolish vacant state positions with a duty to direct experimental modernization projects as required by law;
- (3) Changing the name of the recruitment modernization program to the experimental modernization project and establishing that the Experimental Modernization Administrative Officer shall direct the new project;
- (4) Establishing that the experimental modernization project's development of innovative methods for recruitment shall include the exploration of recruitment software, rather than the customization of the Department of Human Resources Development's recruitment software; and
- (5) Making further technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 867, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 867, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2002 Ways and Means on H.B. No. 842

The purpose and intent of this measure is to establish the Hawaii State Planning Act Review Commission to conduct periodic and systematic reviews of the Hawaii State Planning Act and submit evaluations of the Act to the Legislature.

Your Committee received written comments in support of this measure from the Office of Planning and Oahu County Democrats.

Your Committee finds that regular updating of the Hawaii State Planning Act will help to ensure that the goals, objectives, and policies of the State reflect current cultural, economic, and societal goals.

Your Committee has amended this measure by:

- (1) Clarifying that the provisions requiring the Hawaii State Planning Act Review Commission to conduct a systematic review of chapter 226, Hawaii Revised Statutes, and be dissolved at the end of the legislative session during which it submits its evaluation, shall apply to each appointed commission;
- (2) Changing the amount of the appropriation to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 842, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 842, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2003 Ways and Means on H.B. No. 773

The purpose and intent of this measure is to establish an Office of Creative, Film, and Media Industries Hawaii within the Department of Business, Economic Development, and Tourism.

Additionally, the measure appropriates funds to the Department of Business, Economic Development, and Tourism for equipment and staffing needs for creative media co-working sites on multiple islands statewide.

Your Committee held a public hearing on a Proposed Senate Draft 2 (Proposed S.D. 2) of this measure.

The purpose of the Proposed S.D. 2 is to:

- Require the Department of Business, Economic Development, and Tourism to develop annual regional economic plans to
  provide jobs in urban and rural areas in each county based on the development or community boundaries of each respective
  county;
- (2) Require the Workforce Development Council to use the regional economic plans to develop and provide K-16 pathways and programs in each public school and provide bonus incentives to participating public schools; and
- (3) Appropriate funds to the Department of Business, Economic Development, and Tourism to develop the regional economic plans and the school incentive bonuses.

Your Committee received testimony in support of the Proposed S.D. 2 from two individuals.

Your Committee received comments on the Proposed S.D. 2 from the Department of Business, Economic Development, and Tourism; Department of Education; and Workforce Development Council.

Your Committee finds that this measure will support a vision of workforce development in Hawaii that would ensure that all employers have competent and skilled employees and that all residents enjoy sustainable employment and self-sufficiency.

Your Committee has amended this measure by adopting the Proposed S.D. 2 and further amending the Proposed S.D. 2 by deleting the requirement that regional economic plans be based on the development or community boundaries of each respective county.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 773, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 773, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Taniguchi, Fevella).

### SCRep. 2004 Ways and Means on H.B. No. 1062

The purpose and intent of this measure is to facilitate the deployment of broadband infrastructure in unserved or underserved areas of the State.

Specifically, this measure establishes and appropriates funds for a broadband infrastructure grant program to be administered by the Department of Business, Economic Development, and Tourism.

Your Committee received written comments in support of this measure from two individuals.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs and Department of Business, Economic Development, and Tourism.

Your Committee finds that the grant program will assist in bridging the broadband gap to rural areas where broadband deployment would otherwise be cost prohibitive for providers because of the excessively high cost to install infrastructure to serve only a small number of subscribers in those areas.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1062, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Inouye, Taniguchi).

## SCRep. 2005 Ways and Means on H.B. No. 1188

The purpose and intent of this measure is to appropriate funds to the State Procurement Office to support the small business assistance initiative established by Act 42, Session Laws of Hawaii 2017.

Your Committee received written comments in support of this measure from the State Procurement Office.

Your Committee finds that this appropriation will allow the State Procurement Office to continue to assist small businesses in pursuing contracting opportunities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1188, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

## SCRep. 2006 Ways and Means on H.B. No. 1261

The purpose and intent of this measure is to make permanent the requirement that decisions in contested case hearings of the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, and Hawaii Community Development Authority, and those involving conservation districts, be appealed directly to the Supreme Court, with certain exceptions.

Your Committee received written comments in support of this measure from the University of Hawaii, Maunakea Observatories, and two individuals.

Your Committee received written comments on this measure from the Hawaii State Judiciary.

Your Committee finds that Act 48, Session Laws of Hawaii 2016, temporarily required certain agency appeals to be filed directly with the Supreme Court, bypassing the circuit courts, environmental courts, and the Intermediate Court of Appeals. Your Committee further finds that this measure would make permanent this requirement.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1261, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2007 Ways and Means on H.B. No. 1312

The purpose and intent of this measure is to address the State's shortage of affordable housing.

Specifically, this measure:

- (1) Authorizes the issuance of general obligation bonds, the proceeds of which shall be deposited into and appropriated out of the rental housing revolving fund; and
- (2) Allocates a portion of the funds appropriated from the rental housing revolving fund to create permanent supportive housing units for persons who are chronically homeless.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness; Oahu County Democrats; Faith Action for Community Equity; Hawaii Catholic Conference; Hawaiian Community Assets; Aloha United Way; Catholic Charities Hawaii; Partners in Care; Young Progressives Demanding Action; Hawaiian Humane Society; HOPE Services Hawaii; Hawaii Kai Homeless Task Force; MoveOn.org Honolulu Volunteers, Faith Action; and numerous individuals.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that the funds appropriated by this measure will assist the State in working toward its goal of creating nearly twenty-three thousand affordable rental housing units.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1312, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2008 (Majority) Ways and Means on H.B. No. 1383

The purpose and intent of this measure is to address penalties relating to marijuana.

Specifically, this measure:

- (1) Reclassifies possession of three grams or less of marijuana as a violation, a penal offense not punishable by incarceration, and imposes a fine of \$30 for that offense;
- (2) Requires courts, upon motion by a person convicted of promoting a detrimental drug in the third degree, to expunge the conviction if the conviction was for the possession of three grams or less of marijuana; and
- (3) Establishes the marijuana evaluation task force to examine laws of other states and related penalties and outcomes relating to the non-medical use of marijuana, and requires the task force to report its findings to the Legislature.

Your Committee received written comments in support of this measure from Hawaii Health & Harm Reduction Center, Drug Policy Forum of Hawaii, Hawaii Advocates For Consumer Rights, and two individuals.

Your Committee received written comments in opposition to this measure from the Maui Police Department, Hawaii Police Department, Hawaii Family Forum, and four individuals.

Your Committee received written comments on this measure from the Maui Chamber of Commerce.

Your Committee finds that as a number of states have removed or are considering removing incarceration as a possible penalty for the recreational use of marijuana by adults, it is appropriate for the State to consider similar reforms.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1383, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 8; Ayes with Reservations (Fevella). Noes, 2 (Harimoto, Moriwaki). Excused, 3 (English, Inouye, Taniguchi).

#### SCRep. 2009 Ways and Means on H.B. No. 1343

The purpose and intent of this measure is to authorize the use of family leave by an employee who is taking leave to care for the employee's grandchild having a serious health condition.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii State Commission on the Status of Women, AAUW of Hawaii, Hawaii Government Employees Association, Healthy Mothers Healthy Babies, ILWU Local 142, PHOCUSED, and two individuals.

Your Committee received written comments in opposition to this measure from the Maui Chamber of Commerce and Retail Merchants of Hawaii.

Your Committee finds that the State's unique prevalence of multi-generational caregiving responsibilities should be reflected in its family leave requirements.

Additionally, your Committee believes that it is more efficient to incorporate the use of family leave by certain grandparent-employees into sections 398-3 and 398-4, Hawaii Revised Statutes, than to create new sections in chapter 398, Hawaii Revised Statutes, to authorize this use of family leave.

Your Committee has amended this measure by:

- (1) Deleting from section 2 of the measure provisions specifying that:
  - (A) An employee is entitled to one week of family leave during the calendar year to care for the employee's grandchild having a serious health condition;
  - (B) The family leave may be paid, unpaid, or a combination of paid and unpaid; and
  - (C) The employee may use seven days of accrued and available sick leave for the family leave per year;
- (2) Amending section 398-3, Hawaii Revised Statutes, to entitle an employee to one week of family leave during any calendar year to care for the employee's grandchild having a serious health condition;
- (3) Amending section 398-4, Hawaii Revised Statutes, to authorize an employee who uses family leave to care for the employee's grandchild having a serious health condition to:
  - (A) Use unpaid leave for family leave in certain situations;
  - (B) Substitute accrued paid leave for unpaid family leave; and
  - (C) Use up to seven days of accrued and available sick leave for family leave per year;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1343, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1343, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 2010 Ways and Means on H.B. No. 1344

The purpose and intent of this measure is to appropriate and authorize funds for various operating expenses of the Department of Human Resources Development.

Your Committee received written comments in support of this measure from the Department of Human Resources Development and Department of Human Resources Development Deferred Compensation Plan Board of Trustees.

Your Committee finds that this measure appropriates and authorizes additional funds and positions for the Department of Human Resources Development for fiscal biennium 2019-2021.

Your Committee has amended this measure by:

- (1) Indicating the program title associated with each program ID in the appropriations table;
- (2) Adding a severability clause;
- (3) Adding a provision authorizing the Governor to correct manifest clerical, typographical, or other mechanical errors; and
- (4) Making technical nonsubstantive changes for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1344, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1344, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

### SCRep. 2011 Ways and Means on H.B. No. 1416

The purpose and intent of this measure is to prevent suicides in state correctional facilities by establishing a suicide prevention commission within the Department of Health.

Your Committee received written comments in support of this measure from the Department of Health, Community Alliance on Prisons, Hawaii Health and Harm Reduction Center, Mental Health America of Hawaii, and numerous individuals.

Your Committee finds that the high rate of inmate suicides in state correctional facilities necessitates the development of preventative measures.

Your Committee has amended this measure by inserting an appropriation of an unspecified amount for fiscal years 2019-2020 and 2020-2021 for the Department of Health to develop a centralized assessment and treatment program.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1416, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1416, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

## SCRep. 2012 Ways and Means on H.B. No. 1417

The purpose and intent of this measure is to require the Department of Human Services to use an integrated and multigenerational approach to delivering human services in order to reduce the incidence of intergenerational poverty and dependence on public benefits.

Your Committee received written comments in support of this measure from the Department of Human Services, Office of Hawaiian Affairs, Oahu County Democrats, Hawaii Substance Abuse Coalition, and Hawaii Primary Care Association.

Your Committee finds that transforming the Department of Human Services delivery model from a silo approach to an integrated, multi-generational model will improve the well-being of Hawaii's residents, reduce intergenerational poverty, and decrease dependence on public benefits in the State.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1417, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1417, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2013 Ways and Means on H.B. No. 1043

The purpose and intent of this measure is to amend the state tax appeals process.

More specifically, this measure:

- (1) Replaces the existing tax boards of review with a single Tax Appeal Review Panel comprised of full-time members;
- (2) Amends the grounds upon which an appeal to the administrative appeals and dispute resolution program may be made by disallowing appeals of proposed assessments; and
- (3) Allows any person who has already filed an appeal with a board of review to continue or withdraw their appeal and refile their appeal with the Tax Appeal Review Panel until January 1, 2021, at which point all remaining appeals before a board of review shall automatically transfer to the Tax Appeal Review Panel.

Your Committee received written comments in support of this measure from the Department of Taxation.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the State's existing tax appeals system faces numerous challenges that impede its ability to function. A substantial number of tax appeals to the boards of review have not been heard or have been substantially delayed due to the boards' inability to achieve a quorum. Your Committee further finds that replacing the boards of review with a single Tax Appeal Review Panel, with full-time members who are authorized to hear and decide cases individually, will allow tax appeals to be resolved more efficiently.

Your Committee has amended this measure by:

- (1) Moving provisions regarding the duties and powers of the Tax Appeal Review Panel from section 232-6, Hawaii Revised Statutes, to section 232-7, Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2019; and

(3) Making technical nonsubstantive amendments for purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1043, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1043, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 2014 Ways and Means on H.B. No. 1270

The purpose and intent of this measure is to preserve access to health care for Medicaid recipients.

Specifically, this measure:

- (1) Extends the hospital sustainability program for two years;
- (2) Amends exemptions from the hospital sustainability fee;
- (3) Increases the allowable aggregate fees charged to a hospital from 3.5 percent to 4.0 percent; and
- (4) Appropriates funds out of the hospital sustainability program special fund for fiscal years 2019-2020 and 2020-2021.

Your Committee received written comments in support of this measure from the Department of Human Services, Healthcare Association of Hawaii, Hawaii Pacific Health, The Queen's Health Systems, Kaiser Permanente, Chamber of Commerce Hawaii, and Hawaii Medical Service Association.

Your Committee finds that the hospital sustainability program has helped acute care facilities treat the most vulnerable patients in the State since its inception in 2012. Your Committee further finds that the program has helped to ensure that patients, especially those with low incomes, are able to access quality, affordable care.

Your Committee has amended this measure by:

- (1) Making corrections to the quoted text of section 5 of Act 217, Session Laws of Hawaii 2012, as amended by Act 141, Session Laws of Hawaii 2013, as amended by Act 123, Session Laws of Hawaii 2014, as amended by Act 70, Session Laws of Hawaii 2015, as amended by Act 60, Session Laws of Hawaii 2016, as amended by Act 59, Session Laws of Hawaii 2017, in the measure to accurately reflect the printed version of the session law; and
- (2) Changing the effective date to:
  - (A) July 1, 2050, for sections 7 and 8; and
  - (B) June 29, 2050, for the remainder of the measure,

to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1270, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1270, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2015 Ways and Means on H.B. No. 1248

The purpose and intent of this measure is to establish elections by mail beginning with the 2022 primary election.

Additionally, this measure appropriates funds to the Office of Elections to administer elections by mail, and to the Department of Budget and Finance to allocate to the counties to implement voting by mail.

Your Committee held a public hearing on a Proposed Senate Draft 2 (Proposed S.D. 2).

The purpose of the Proposed S.D. 2 is to add a new part to the measure to require the Chief Election Officer to publish online voters' pamphlets for each election.

Additionally, the Proposed S.D. 2 appropriates funds to the Office of Elections to publish an online voters' pamphlet and publish and distribute notification postcards, starting with the 2020 primary election.

Your Committee received testimony in support of the Proposed S.D. 2 from the Office of Elections, Office of the County Clerk of the County of Maui, the Elections Division of the Office of the County Clerk of the County of Hawaii, Common Cause Hawaii, League of Women Voters of Hawaii, Planned Parenthood Votes Northwest and Hawaii, and three individuals.

Your Committee received testimony in opposition to the Proposed S.D. 2 from two individuals.

Your Committee finds that elections by mail are convenient and accessible to voters and will streamline the administration of elections. Additionally, an online voters' pamphlet will inform the electorate about the contests on the ballot.

Your Committee also notes that the Office of Elections requests \$193,343 as the amount of the appropriation necessary to compile the pamphlet and publish and distribute the notification postcards.

Your Committee has amended this measure by adopting the Proposed S.D. 2 and further amending the Proposed S.D. 2 by:

- (1) Making technical corrections to promote the consistent use of the terms "secrecy sleeve" and "voter service center, place of deposit, or its appurtenances" throughout the measure;
- (2) Restoring the phrase "must be" in existing statutory language relating to the return and receipt of absentee ballots;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1248, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1248, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Taniguchi, Fevella).

## SCRep. 2016 Ways and Means on H.B. No. 1453

The purpose and intent of this measure is to facilitate the provision of emergency medical services.

Specifically, this measure:

- Authorizes the Department of Health to establish reasonable fees for emergency ambulance services to transport an individual
  to a medical facility and for certain emergency medical services when an ambulance is not used to transport an individual to a
  medical facility; and
- (2) Requires the State's Medicaid programs and private health insurance plans to cover ambulance services and related services provided by emergency medical technicians or paramedics.

Your Committee received written comments in support of this measure from the Department of Health, Department of Human Services; Honolulu Emergency Services Department, Oahu County Democrats, American Medical Response, and American Medical Response - Kauai.

Your Committee received written comments in opposition to this measure from the Hawaii Medical Service Association.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs, Department of the Attorney General, and the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that the authorization of reasonable fees for emergency ambulance services and emergency medical services and subsequent health insurance coverage for those services will offset the costs of delivering these services.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1453, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2017 Ways and Means on H.B. No. 1455

The purpose and intent of this measure is to support the University of Hawaii Maui College's International Office by appropriating moneys for full-time equivalent positions and study abroad opportunities.

Your Committee received written comments in support of this measure from the University of Hawaii.

Your Committee finds that this measure will facilitate the University of Hawaii Maui College's International Office's purpose of providing students with opportunities to seek educational experiences outside of the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1455, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 2018 Ways and Means on H.B. No. 1533

The purpose and intent of this measure is to facilitate the rehabilitation of historic structures in the State.

More specifically, this measure:

- (1) Establishes a historic preservation income tax credit; and
- (2) Appropriates funds for one temporary position within the State Historic Preservation Division to assist with the establishment and administration of the historic preservation income tax credit program.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Historic Hawaii Foundation.

Your Committee received written comments on this measure from the Department of Taxation.

Your Committee finds that thirty-eight states provide tax credits for the rehabilitation of historic structures. Your Committee also finds that establishing a similar tax credit in Hawaii would promote the comprehensive state historic preservation program established by chapter 6E, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1533, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

# SCRep. 2019 Ways and Means on H.B. No. 1546

The purpose and intent of this measure is to eradicate mosquitoes from Hawaii to protect public health and native species.

Specifically, this measure appropriates funds to the University of Hawaii to increase research, coordinate with appropriate state agencies, and develop a plan for the statewide eradication of mosquitoes.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and University of Hawaii.

Your Committee finds that the transmission of avian malaria by mosquitoes has decimated the State's native bird population. Your Committee further finds that mosquitoes are a disease vector that threatens human health. Your Committee also finds that the University of Hawaii and its partner organizations have researched mosquito control techniques that could potentially benefit both native wildlife and human health in Hawaii.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1546, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2020 Ways and Means on H.B. No. 1593

The purpose and intent of this measure is to require and appropriate moneys to the Department of Education, in consultation with the Office of Enterprise Technology Services, to develop and procure a uniform financial database.

Your Committee received written comments in support of this measure from the Department of Education and the Office of Enterprise Technology Services.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that utilization of a uniform financial database that is compatible with software being implemented for use by all state agencies will improve government accountability and transparency, existing information technology systems, and inter-agency accounting practices.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1593, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2021 Ways and Means on H.B. No. 1433

The purpose and intent of this measure is to support the Attorney General's Hawaii Criminal Justice Data Center in administering the Address Confidentiality Program by appropriating funds for staffing, operations, and equipment.

Your Committee received written comments in support of this measure from the Department of the Attorney General, Hawaii State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, American Association of University Women of Hawaii, and The Sex Abuse Treatment Center.

Your Committee finds that funding the Hawaii Criminal Justice Data Center's Address Confidentiality Program will enable state and local agencies to provide survivors of domestic abuse, sexual offenses, or stalking with a substitute mailing address to use instead of a physical address. Your Committee further finds that providing a substitute address will increase the safety, privacy, and protection of program participants.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1433, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1433, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Keith-Agaran).

### SCRep. 2022 Ways and Means on H.B. No. 1582

The purpose and intent of this measure is to exempt concessions that provide historical and cultural information, goods, and services to visitors and residents within the Hawaii capital historic district from the sealed bid requirements of section 102-2(a), Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Airport Concessionaires Committee.

Your Committee finds that due to the need to provide certain services to the public, there is merit in awarding certain concession contracts through negotiation rather than to the highest bidder.

Your Committee has amended this measure by:

- (1) Increasing the maximum length of concession contracts from fifteen years to twenty years;
- (2) Replacing requirements that certain concessions shall be operated by nonprofit corporations in order to be exempt from the sealed bid requirements of section 102-2(a), Hawaii Revised Statutes, with a requirement that state and county agencies give preference to nonprofit corporations pursuant to rules that shall first be adopted by the respective agency;
- (3) Providing that a county director of parks and recreation shall designate which county zoos, botanic gardens, or other county parks are environmentally, culturally, historically, or operationally unique for the purpose of determining whether a concession at the zoo, botanic garden, or other park is exempt from the sealed bid requirements of section 102-2(a), Hawaii Revised Statutes;
- (4) Providing that the amendments made to section 102-2(b), Hawaii Revised Statutes, under this measure shall not be repealed when that section is repealed and reenacted on June 30, 2021, pursuant to section 4, Act 141, Session Laws of Hawaii 2014; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1582, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1582, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2023 Ways and Means on H.B. No. 990

The purpose and intent of this measure is to clarify certain provisions related to the use or rental of Department of Defense facilities.

More specifically, this measure:

- (1) Clarifies the activities for which and entities to which the Adjutant General may permit the use or rental of Department of Defense facilities; and
- (2) Requires that the net proceeds received from any uses or rentals of Department of Defense facilities, rather than all moneys from these uses or rentals, be deposited into the general fund of the State.

No written comments were received on this measure.

Your Committee finds that requiring the Department of Defense to deposit into the general fund of the State the net proceeds received from the uses or rentals of the department's facilities rather than all moneys received from these uses or rentals will allow the department to cover costs directly related to the use or rental of its facilities.

Your Committee has amended this measure by changing the effective date from July 1, 2050, to upon its approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 990, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 990, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2024 Ways and Means on H.B. No. 991

The purpose and intent of this measure is to extend the civil relief for state military forces law to cover persons serving on full time National Guard duty.

Additionally, this measure amends the civil relief for state military forces law by extending the lease termination provisions to cover motor vehicle leases.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that this measure will enable current Hawaii National Guard service members to fulfill the purposes of the federal Servicemembers Civil Relief Act by allowing them to devote their entire energy to the defense needs of the nation.

Your Committee has amended this measure by changing the effective date to "upon its approval."

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 991, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 991, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2025 (Majority) Ways and Means on H.B. No. 1025

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to extend certain leases of public lands to encourage current lessees to make improvements to those properties.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and HPM Building Supply.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs, Hoomanapono Political Action Committee, and Ka Lahui Hawaii Political Action Committee.

Your Committee finds that prohibiting the transfer or assignment of a lease within the first ten years of a lease extension will deter speculators from acquiring leases, obtaining extensions, putting in the minimum amount of improvements, and then transferring or assigning the lease for a profit.

Your Committee has amended this measure by:

- (1) Specifying that the provisions apply to leases that have not been assigned or transfered within the last ten years;
- Clarifying that the provisions do not apply to public lands controlled by the Department of Hawaiian Home Lands and leased pursuant to the Hawaiian Homes Commission Act;
- (3) Specifying that the lease extensions shall not exceed forty years;
- (4) Prohibiting the transfer or assignment of the leases for the first ten years of the lease extension;
- (5) Specifying that resort use requires that at least seventy-five percent of the living or sleeping quarters in the development be used solely for transient accommodations for the term of any lease extension;
- (6) Specifying that substantial improvement means any renovation, rehabilitation, reconstruction, or construction of existing improvements that equals or exceeds thirty percent of the market value of the existing improvements;
- (7) Making the measure effective upon approval; and
- (8) Specifying that the measure shall be repealed on June 30, 2024.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1025, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1025, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, 2 (English, Harimoto).

# SCRep. 2026 Ways and Means on H.B. No. 1032

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources under certain conditions, to lease any existing state boating facility in its entirety without prior authorization from the Legislature.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Pulama Lanai, Aha Moku Advisory Committee, and one concerned individual.

Your Committee received written comments in opposition to this measure from the Ocean Tourism Coalition.

Your Committee finds that certain harbors in the State contain underused areas with revenue generating potential. This measure will assist the Board of Land and Natural Resources in deriving revenues from those areas and other boating facilities to fund needed repair and maintenance of all state boating facilities.

Your Committee has amended this measure by changing the effective date to make it effective upon approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1032, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1032, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 2027 Ways and Means on H.B. No. 1405

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Land and Natural Resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Kahoolawe Island Reserve Commission, Hawaii Farm Bureau, and Sierra Club of Hawaii.

Your Committee finds that this measure adjusts the amounts and number of positions appropriated or authorized for the Department of Land and Natural Resources from baseline amounts in the General Appropriations Act of 2017, as amended by the Supplemental Appropriations Act of 2018.

Your Committee has amended this measure by:

(1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

(2) Making a technical nonsubstantive change for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1405, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1405, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 2028 Ways and Means on H.B. No. 1526

The purpose and intent of this measure is to appropriate and authorize funds for programs of the State Public Charter School Commission.

Your Committee received written comments in support of this measure from the State Public Charter Commission, Office of Hawaiian Affairs, Hawaii Academy of Arts and Sciences Public Charter School, HawaiiKidsCAN, Kualapuu Public Conversion Charter School, Kua O Ka La New Century Public Charter School, Connections Public Charter School, Kona Pacific Public Charter School, Kamehameha Schools, Kawaikini New Century Public Charter School, W.A.V.E., and numerous individuals.

Your Committee finds that this measure appropriates and authorizes additional funds and positions for the State Public Charter School Commission for fiscal biennium 2019-2021.

Your Committee has amended this measure by:

- (1) Changing the amounts appropriated and number of positions authorized for the Department of Education's Charter Schools (EDN600) and Charter Schools Commission and Administration (EDN612) programs;
- (2) For clarity, indicating in the program appropriations table that the program ID EDN600 refers to the Charter Schools program;
- (3) Adding a provision that authorizes the appropriations made to a program by the measure to be combined with appropriations made to the same program by any other Act enacted by the Legislature for the 2019-2021 fiscal biennium; and
- (4) Making a technical nonsubstantive change for the purpose of consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1526, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1526, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

### SCRep. 2029 Ways and Means on H.B. No. 1527

The purpose and intent of this measure is to appropriate funds for the Executive Office on Early Learning.

Your Committee received written comments in support of this measure from the Executive Office on Early Learning and Early Learning Board.

Your Committee finds that this measure appropriates additional funds and positions for the Executive Office on Early Learning for fiscal biennium 2019-2021 beyond baseline amounts appropriated in the General Appropriations Act of 2019.

Your Committee has amended this measure by:

- (1) Increasing the amount appropriated to the Executive Office on Early Learning for administrative support for the prekindergarten program for fiscal year 2019-2020 from \$76,322, to \$133,415;
- (2) Adding a definition that explains the use of asterisks and pound signs to represent permanent and temporary full-time equivalent positions, respectively, in the measure;
- (3) Changing the effective date from July 1, 2030, to July 1, 2019; and
- (4) Making technical nonsubstantive changes for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1527, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1527, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

## SCRep. 2030 Ways and Means on H.B. No. 1530

The purpose and intent of this measure is to establish the teacher mentor incentive program.

More specifically, this measure:

- (1) Establishes the teacher mentor incentive program within the Department of Education; and
- (2) Appropriates moneys to the Department of Education for the teacher mentor incentive program.

Your Committee received written comments in support of this measure from the Department of Education, University of Hawaii, James Campbell High School, Hawaii State Teachers Association, HawaiiKidsCAN, and numerous individuals.

Your Committee finds that establishing a teacher mentor incentive program will encourage experienced teachers to devote time to mentor and aid in the development of less-experienced teachers.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1530, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1530, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2031 Ways and Means on H.B. No. 1547

The purpose and intent of this measure is to appropriate funds to the University of Hawaii to provide student-athletes enrolled at the university with a meal incidental to competition and snacks as permitted by the National Collegiate Athletics Association bylaws.

Your Committee received no written comments on this measure.

Your Committee finds that educational institutions that are Division I members of the National Collegiate Athletic Association, including the University of Hawaii, are authorized to provide student-athletes with certain benefits incidental to participation in intercollegiate athletics. Your Committee further finds that this measure aligns with the goal of supporting the health and wellness of student-athletes at the University of Hawaii.

Your Committee has amended this measure by:

- (1) Replacing references to the provision of meals and snacks with references to the provision of incidental benefits for University of Hawaii student-athletes;
- (2) Inserting an appropriation of \$4,000,000 in each year of fiscal biennium 2019-2021 for the provision of incidental benefits to student-athletes at the University of Hawaii; and
- (3) Changing the effective date to July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1547, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1547, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2032 Ways and Means on H.B. No. 1548

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to study and combat rapid ohia death.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Hawaii County Council, County of Hawaii Mayor's Office, Oahu County Democrats, Hawaii Farm Bureau, The Nature Conservancy, and two individuals.

Your Committee finds that ohia, a vital species in native watershed areas, makes up approximately eighty percent of the State's remaining native forests. Your Committee finds that rapid ohia death threatens thousands of acres of native forest and that combating this devastating fungal disease is critical to prevent its further spread throughout the State.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1548, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1548, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2033 Ways and Means on H.B. No. 1033

The purpose and intent of this measure is to make vessel insurance mandatory in the State.

More specifically, this measure:

- (1) Requires certain vessel owners to obtain vessel insurance;
- (2) Specifies the type and amount of vessel insurance;
- (3) Authorizes the Board of Land and Natural Resources to grant exemptions to the vessel insurance requirements for transient vessels; and
- (4) Authorizes the Department of Land and Natural Resources to adopt rules regarding mandatory vessel insurance.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Calypso Charters, and Ocean Tourism Coalition.

Your Committee received written comments in opposition to this measure from Hawaii Tropical Fish Association.

Your Committee finds that requiring the owners of all vessels operating in or on the waters of the State to obtain insurance will significantly reduce future expenditures of the Department of Land and Natural Resources to remove grounded and sunken vessels.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1033, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1033, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 13. Noes, none. Excused, none.

## SCRep. 2034 Ways and Means on H.B. No. 1068

The purpose and intent of this measure is to appropriate funds for the development of the Heeia state park community-based long-range plan and the planning and design of the Heeia National Estuarine Research Reserve System education center.

Your Committee received written comments in support of this measure from the University of Hawaii, Oahu County Democrats, The Nature Conservancy, Koolau Foundation, and Koolaupoko Hawaiian Civic Club.

Your Committee received written comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the funds appropriated by this measure for a community-based long-range plan and for the planning and design of an education center will assist in fulfilling a key component of the Heeia National Estuarine Research Reserve master plan.

Your Committee has amended this measure by requiring the Hawaii Community Development Authority to invite and consult with various entities or individuals in the development process of the Heeia state park community-based long-range plan and the Heeia National Estuarine Research Reserve System education center.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1068, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1068, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 2035 Ways and Means on H.B. No. 1219

The purpose and intent of this measure is to facilitate the redevelopment of lands that are underutilized or upon which improvements or infrastructure has become dilapidated, obsolete, or deteriorated over time.

Specifically, this measure:

- Authorizes the designation of redevelopment districts to facilitate the planning, development, or redevelopment of certain areas;
- (2) Requires the establishment of a planning committee for each redevelopment district for the purpose of preparing a redevelopment plan and entering into agreements with developers for projects of the redevelopment plan;
- (3) Establishes the Waiakea peninsula redevelopment district;
- (4) Appropriates funds for the redevelopment of the Waiakea peninsula redevelopment district;
- (5) Authorizes the Board of Land and Natural Resources to waive or charge reduced lease rents if a lessee is required to demolish existing improvements or provide basic infrastructure before it can make productive use of the land; and
- (6) Requires that the development agreement for public lands in a redevelopment area shall provide for the leasehold disposition of the land and specify other requirements for use of the land.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and the County of Hawaii Office of the Mayor.

Your Committee finds that this measure will assist the Board of Land and Natural Resources and developers in revitalizing areas that are currently underutilized or are in disrepair.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1219, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1219, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Inouye, Taniguchi).

#### SCRep. 2036 Ways and Means on H.B. No. 1276

The purpose and intent of this measure is to establish a working group within the Department of Education for administrative purposes to consider and develop best practices for collaborative planning and expanded learning time in Hawaii's public schools.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that improving collaborative planning and expanding learning time in Hawaii's public schools aligns with the Department of Education's Strategic Plan goals for student, staff, and support system success.

Your Committee has amended this measure by:

- (1) Clarifying the appointing authority for the working group representatives from the Hawaii State Teachers Association and Hawaii Government Employees Association; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1276, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1276, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

# SCRep. 2037 Ways and Means on H.B. No. 312

The purpose and intent of this measure is to require the University of Hawaii, West Oahu, to establish a program to award to qualifying students a bachelor of arts degree in creative media.

Your Committee received written comments in support of this measure from Kauai Community College, MELE Program, Waianae High School, Oahu County Democrats Legislative Priorities Committee, and numerous individuals.

Your Committee received written comments in opposition to this measure from the University of Hawaii System.

Your Committee finds that a program for a bachelor of arts degree in creative media at the University of Hawaii, West Oahu Campus, will offer training in an innovative field of study that is in demand by students while also meeting the vocational and educational requirements of growing industries in the State.

Your Committee further finds that the creative media program at the University of Hawaii, West Oahu Campus, will realize its full potential when coupled with greater employment opportunities for those graduates. Accordingly, your Committee believes that the Hawaii Technology Development Corporation should acquire the thirty-acre parcel adjacent to the intersection of Farrington Highway and Kapolei Golf Course Road for development into a film studio, which will serve as an economic driver for the State and provide numerous high-paying creative media jobs for recent graduates.

Your Committee notes that the Hawaii Community Development Authority and other administratively attached agencies of the Department of Business, Economic Development, and Tourism may viably acquire title to the parcel of the proposed film studio.

Your Committee has amended this measure by:

- (1) Adding a section finding that establishment of a bachelor of arts degree in creative media at the University of Hawaii, West Oahu campus, is a matter of statewide concern;
- (2) Inserting into the measure the contents of Senate Bill 33, Senate Draft 3, which:
  - (A) Requires the University of Hawaii, West Oahu Campus, to execute a contract to transfer title of a thirty-acre parcel, which is currently intended to be developed into a state film production studio, to the Hawaii Technology Development Corporation;
  - (B) Specifies the boundaries of the thirty-acre parcel;
  - (C) Repeals the annual \$35,000,000 rolling cap for the motion picture, digital media, and film production income tax credit, effective upon the transfer of title of the thirty-acre parcel to the Hawaii Technology Development Corporation; and
  - (D) Extends the sunset date of the motion picture, digital media, and film production income tax credit from January 1, 2026, to January 1, 2033, effective upon the transfer of title of the thirty-acre parcel to the Hawaii Technology Development Corporation; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 312, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 312, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2038 Ways and Means on H.B. No. 318

The purpose and intent of this measure is to establish a staggered school start times task force.

More specifically, this measure:

- (1) Requires the Superintendent of Education or the Superintendent's designee to convene a staggered school start times task force to evaluate the issues and implications of instituting a staggered school start times program in the State's public schools;
- (2) Requires the task force to submit a report to the Legislature; and
- (3) Appropriates moneys to the Department of Education for the task force.

Your Committee received written comments in support of this measure from Hawaii State Teachers Association and Oahu County Democrats

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that staggered school start times may improve students' academic and extracurricular performance and overall health. However, your Committee believes that the potential detriments of staggered school start times, including scheduling conflicts and negative impacts on community traffic patterns, necessitates further analysis of the issue.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 318, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 318, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

## SCRep. 2039 Ways and Means on H.B. No. 329

The purpose and intent of this measure is to provide for the continuation of recovery efforts to address the significant damage caused by the flooding events of April 2018.

Specifically, this measure:

- (1) Amends the disaster relief appropriations made in Act 12, Session Laws of Hawaii 2018, to include flood mitigation measures;
- (2) Extends the lapse dates of the appropriations to June 30, 2020; and
- (3) Exempts the appropriations from certain restrictions on transfers of or changes to appropriations.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Emergency Management of the City and County of Honolulu, and Mayor of the County of Kauai.

Your Committee finds that this measure clarifies the scope of the appropriations made by Act 12, Session Laws of Hawaii 2018, to include flood mitigation measures. Your Committee further finds that these flood mitigation measures will increase the disaster resilience of the areas affected by the April 2018 flooding events.

Your Committee has amended this measure by:

- (1) Changing the effective date from July 1, 2030, to upon approval; and
- (2) Making technical nonsubstantive changes for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 329, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 329, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 2040 Ways and Means on H.B. No. 398

The purpose and intent of this measure is to address the shortage of qualified public school teachers in the State.

Specifically, this measure requires the University of Hawaii to establish additional distance-learning classes in teaching for students who are pursuing undergraduate degrees in education.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association.

Your Committee received written comments on this measure from the University of Hawaii and Department of Education.

Your Committee finds that this measure will help to increase access to teaching classes for students wishing to enter the teaching profession. Your Committee further finds that this measure should be expanded to include graduate level programs in teaching.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the University of Hawaii to also establish additional distance-learning classes in teaching for students pursuing graduate degrees in education; and
- (2) Changing the effective date to July 1, 2035, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 398, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 398, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2041 Ways and Means on H.B. No. 558

The purpose and intent of this measure is to prevent injuries and deaths at Kua Bay on the Island of Hawaii.

Specifically, this measure appropriates funds for the employment of lifeguards and for the purchase of life-saving equipment at Kua Bay in Kekaha Kai State Park.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Tourism Authority, Mayor of the County of Hawaii, two members of the Hawaii County Council, Hawaii County Fire Commission, and four individuals.

Your Committee finds that emergency medical service patient care reported twenty-eight emergency calls from the Kua Bay area between 2013 and 2016, with nineteen of those calls resulting in hospitalization for traumatic injury. Your Committee further finds that the appropriations made by this measure will help to protect the residents and visitors who use Kekaha Kai State Park.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 558, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 558, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 2042 Ways and Means on H.B. No. 560

The purpose and intent of this measure is to provide energy systems and technology training to certain county officers and employees.

More specifically, this measure:

- (1) Establishes energy systems and technology training courses to educate certain relevant county officers and employees;
- (2) Requires the University of Hawaii community colleges or an entity contracted by the community colleges to develop the training courses and any materials necessary to implement the courses;
- (3) Requires the University of Hawaii community colleges to:
  - (A) Administer the training courses;
  - (B) Provide notifications or advertisements of the courses to the relevant entities;
  - (C) Provide the training courses at no cost to the participants or for a refundable fee; and
  - (D) Submit a report to the Legislature in 2020 describing the progress made in establishing the training courses;
- (4) Requires the community colleges or the community colleges' designee to establish a committee to assist in the development of the training courses; and
- (5) Appropriates moneys to the University of Hawaii for energy systems and technology training.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; State Fire Council; Hawaii Fire Department; Kauai County Fire Department; Maui Fire Department; 350Hawaii.org; Hawaii Energy; Our Revolution Hawaii; and numerous individuals.

Your Committee finds that providing energy systems and technology training courses to certain county officers and employees will help to create a more informed and potentially expedited permitting process for energy construction projects.

Your Committee has amended this measure by changing the effective date to July 1, 2035, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 560, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 560, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2043 Ways and Means on H.B. No. 601

The purpose and intent of this measure is to repeal the requirement that a disabled veteran be in receipt of disability retirement pay from a branch of the uniformed armed forces in order to be exempt from payment of annual vehicle registration fees.

Your Committee received written comments in support of this measure from the Department of Defense and Department of Transportation.

Your Committee finds that expanding the exemption from vehicle registration fees for certain disabled veterans is an appropriate gesture of the State's gratitude for the service of these veterans to their country.

Your Committee has amended this measure by changing the effective date from January 1, 2050, to upon its approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 601, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 601, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

## SCRep. 2044 Ways and Means on H.B. No. 765

The purpose and intent of this measure is to require the State, in the preparation of new plans and updates to existing plans generated under the Hawaii State Planning Act pursuant to chapter 226, Hawaii Revised Statutes, to incorporate evaluations, predictions, and recommendations pertaining to sea level rise projections, including findings from the sea level rise vulnerability and adaptation report prepared by the Hawaii Climate Change Mitigation and Adaptation Commission.

Prior to decision making on this measure, your Committee made available for public review a proposed Senate Draft No. 2 (Proposed Draft) of this measure. The Proposed Draft amends the measure by:

- (1) Designating the existing substantive provisions of the measure as part I;
- (2) Clarifying that state plans are to incorporate the most recent version of the sea level rise vulnerability and adaptation report prepared by the Hawaii Climate Change Mitigation and Adaptation Commission;
- (3) Inserting a new part II to the measure, which appropriates \$150,000 for the facilitation of communications related to environmental protection, clean waters, and ecosystem preservation of the Ala Wai watershed and surrounding areas; and
- (4) Making technical nonsubstantive changes.

Your Committee received testimony in support of Senate Draft No. 1 from the Sierra Club of Hawaii and numerous individuals.

Your Committee received testimony in support of the Proposed Draft from the Department of Land and Natural Resources, Hawaii Reef and Ocean Coalition, Life of the Land, and three individuals.

Your Committee received comments on the Proposed Draft from the Office of Planning.

Your Committee recognizes that planning for sea level rise and appropriating funds in relation to the Ala Wai watershed and surrounding areas is necessary to protect coastal structures, infrastructure, and the environment.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

- (1) Inserting a provision that requires the Public Utilities Commission to incorporate into its plans the same sea level rise information required in state plans generated under the Hawaii State Planning Act;
- (2) Clarifying that the appropriation is for mitigation of the negative impacts of watershed and coastal flooding through the facilitation of stakeholder communications and public engagement related to environmental protection, clean waters, ecosystem preservation and restoration, and community and cultural considerations of the Ala Wai watershed and surrounding areas;
- (3) Changing the amount of the appropriation to an unspecified sum;
- (4) Changing the effective date to July 1, 2035, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 765, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 765, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Taniguchi, Fevella).

## SCRep. 2045 Ways and Means on H.B. No. 843

The purpose and intent of this measure is to appropriate funds for three temporary full-time positions in the applied technical education program at Hawaii Community College.

Your Committee received written comments in support of this measure from the University of Hawaii System.

Your Committee recognizes that the instruction provided by Hawaii Community College has helped many students prepare for careers in the State. Your Committee also recognizes that the college needs additional support to accommodate students who are pursuing jobs in various technical areas. Accordingly, your Committee finds merit in funding additional positions for the college's technical education program.

Your Committee has amended this measure by changing the effective date to July 1, 2035, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 843, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 843, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 2046 Ways and Means on H.B. No. 250

The purpose and intent of this measure is to increase the quality of health services provided to public school students.

Specifically, this measure:

- (1) Formally establishes the Hawaii keiki: healthy and ready to learn program for the purpose of providing school-based health services;
- (2) Provides increased flexibility for the administration of necessary medication to students; and
- (3) Appropriates funds for:
  - (A) School health services coordinator positions;
  - (B) A vision screening and eye assessment tool; and
  - (C) The Hawaii keiki: healthy and ready to learn program.

Your Committee received written comments in support of this measure from the University of Hawaii, State Public Charter School Commission, Hawaii Primary Care Association, Hawaii State Teachers Association, and Project Vision Hawaii.

Your Committee received written comments on this measure from the Department of Human Services, Department of Education, and the Hawaii Chapter of the American Academy of Pediatrics.

Your Committee finds that this measure will help to increase health services to students, particularly in rural areas that may have a shortage of health service providers. Your Committee further finds that this measure will provide health screenings to assist in the early detection and treatment of health concerns.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 250, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2047 Ways and Means on H.B. No. 420

The purpose and intent of this measure is to transfer responsibility for a Hawaiian Center and Museum of Hawaiian Music and Dance to the State of Hawaii Museum of Natural and Cultural History.

Specifically, this measure:

- (1) Changes the designation of the location for operation of a Hawaiian Center and Museum of Hawaiian Music and Dance from the Hawaii Convention Center to the State of Hawaii Museum of Natural and Cultural History; and
- (2) Authorizes the State of Hawaii Museum of Natural and Cultural History to enter into contracts and partnerships for services related to a Hawaiian Center and Museum of Hawaiian Music and Dance.

Your Committee received written comments in support of this measure from the Hawaii Tourism Authority, Democratic Party of Hawaii Hawaiian Affairs Caucus, and one individual.

Your Committee received written comments on this measure from the Bishop Museum.

Your Committee finds that the Bishop Museum, Hawaii's State Museum of Natural and Cultural History, is a more appropriate venue than the Hawaii Convention Center for the location and operation of a Hawaiian Center and Museum of Hawaiian Music and Dance.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 420, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2048 Ways and Means on H.B. No. 401

The purpose and intent of this measure is to authorize state and county agencies to enter into energy performance contracts for the purpose of undertaking or implementing energy conservation or alternate energy measures for agency vehicles or vehicle fleets.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Energy Policy Forum; Department of Research and Development, County of Hawaii; Ulupono Initiative; Organizing for Action; and one individual.

Your Committee finds that authorizing public agencies to enter into performance contracts relating to energy conservation or alternative energy measures for their vehicles or vehicle fleets will produce energy savings and cost efficiencies for state and county governments.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 401, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 401, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

### SCRep. 2049 Ways and Means on H.B. No. 402

The purpose and intent of this measure is to increase the Office of Hawaiian Affairs' pro rata share of public land trust funds.

Specifically, this measure:

- (1) Establishes the Office of Hawaiian Affairs' pro rata share of the public land trust;
- (2) Appropriates an unspecified amount of general revenue funds, less funds in the carry-forward trust holding account established by the Director of Finance pursuant to Executive Order 06-06, to the Office of Hawaiian Affairs for the underpayment of the public trust funds for 7/1/2012 to 6/30/2019;
- (3) Requires the Department of Budget and Finance to provide an annual accounting of receipts from lands in the public land trust:
- (4) Requires annual audits of any funds transferred pursuant to the measure;
- (5) Establishes the public land trust revenues committee; and
- (6) Prohibits new funding to be appropriated to the Office of Hawaiian Affairs until the Office of Hawaiian Affairs' 2017 fiscal and performance audit is completed and provided to the Legislature.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 2, which amends this measure by:

- (1) Establishing a public land trust revenues negotiating committee to determine the increase to the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs;
- (2) Requiring and appropriating funds for the Department of Budget and Finance to conduct a financial review of the amounts of revenue generated from the public land trust; and
- (3) Requiring and appropriating funds for the Auditor to conduct a comprehensive review of programs administered by the State that serve Hawaiians and to submit a report to the Legislature.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, Department of Transportation, Office of Hawaiian Affairs, Oahu County Democrats Legislative Priorities Committee, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work Hawaii, Hawaiian Civic Club of Honolulu, Ka Lei Papahi O Kakuhihewa, Ke One O Kakuhihewa, Trilogy Corporation, Aha Punana Leo, Mana Maoli, Hawaii Investment Ready, Kuaaina Ulu Auamo, Hui O Hee Nalu, Prince Kuhio Hawaiian Civic Club, Association of Hawaiian Civic Clubs, Council for Native Hawaiian Advancement, Native Hawaiian Chamber of Commerce, Hawaii Republican Party, The Trust for Public Land, Hawaiian Community Republican Party, The Trust for Public Land, Hawaiian Civic Club, and numerous individuals.

Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual.

Your Committee received comments on this measure from the Office of the Auditor, League of Women Voters of Hawaii, Society of Professional Journalists Hawaii Chapter, and Hawaii Health Systems Corporation.

Your Committee finds that this measure will further the State's objective of determining whether, and by how much, to increase the Office of Hawaiian Affairs' pro rata share of the receipts from the use of public land trust lands to better the conditions of native Hawaiians pursuant to Article XII, Section 6 of the State Constitution.

Your Committee notes that the Department of Budget and Finance requests that the reporting date for the financial review required by this measure, currently twenty days prior to the convening of the Regular Session of 2020, be amended to be the deadline for the Department to submit to the Legislature a status report. The Department of Budget and Finance further requests that the deadline to submit the financial review required by this measure be extended to twenty days prior to the convening of the Regular Session of 2021.

Your Committee further notes that the Office of the Auditor requests that the specific state programs to be included in the comprehensive review required by this measure be identified to ensure that the review includes the specific issues and programs of concern to the Legislature.

Your Committee has amended this measure by adopting the proposed S.D. 2, and further amending the measure by:

- (1) Requiring all grants and contracts awarded by the Office of Hawaiian Affairs to be subject to approval by the Board of Trustees;
- (2) Reducing the University of Hawaii's portion of receipts from the use, sale, lease, or other disposition of lands within the public land trust to be collected during each fiscal year by the amount equal to the University's receipts derived from tuition and special funds utilized for Native Hawaiian programs;

- (3) Specifying that the President of the Senate and the Speaker of the House of Representatives shall each select one representative serving on the public land trust revenues negotiation committee;
- (4) Prohibiting any increases proposed by the public land trust revenues negotiating committee that are not already approved for use by or appropriated to the Office of Hawaiian Affairs until the fiscal and comprehensive reviews required by this measure, and as approved by the board of trustees of the Office of Hawaiian Affairs, are completed, and complete and accurate copies are provided to the Legislature; and
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 402, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 402, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Inouye, Keith-Agaran, Taniguchi).

### SCRep. 2050 Ways and Means on H.B. No. 456

The purpose and intent of this measure is to require the Department of Public Safety to revise its policies and procedures regarding the use of force, weapons, and equipment.

For purposes of a public hearing, your Committee circulated a proposed S.D. 2 (Proposed Draft) of the measure and notified the public that your Committee would be accepting testimony on the Proposed Draft, which makes an emergency appropriation to the Department of Public Safety for the immediate and long-term rehabilitation needs of Maui Community Correctional Center.

Your Committee received testimony in support of the Proposed Draft from the Department of Public Safety, Maui Police Department, and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee received comments on the Proposed Draft from the State Procurement Office.

Your Committee finds that the Proposed Draft will appropriate funds to make immediate and necessary repairs to Maui Community Correctional Center to help ensure the safety of the Center's inmates and the employees of the Department of Public Safety.

Your Committee notes that the State Procurement Office submitted testimony indicating that should the Committee decide to add to the measure emergency funding to rebuild the Maui Community Correctional Center, the expenditure of the funding would require the full procurement process pursuant to chapter 103D, Hawaii Revised Statutes, unless an exemption is added to the measure.

Your Committee has amended this measure by adopting the Proposed Draft with the following further amendments:

- (1) Exempting from the procurement code all procurements associated with the funds appropriated for the immediate needs of Maui Community Correctional Center; and
- (2) Changing the effective date of the section authorizing the issuance of general obligation bonds and appropriating the revenues derived therefrom to July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 456, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 456, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Inouye).

### SCRep. 2051 Ways and Means on H.B. No. 624

The purpose and intent of this measure is to require and appropriate funds for the Department of Business, Economic Development, and Tourism to engage a consulting firm to conduct a study to evaluate the policies and organizational changes needed within that department.

Prior to decision making on this measure, your Committee made available for public review a proposed Senate Draft No. 2 (Proposed Draft) of this measure. The Proposed Draft amends the measure by deleting its contents and:

- (1) Inserting provisions to combine the resources, duties, and responsibilities of the Hawaii Technology Development Corporation, Hawaii Strategic Development Corporation, and a newly-established Hawaii Broadband Office into a new entity called the Hawaii Innovation and Technology Corporation; and
- (2) Changing the effective date to July 1, 2021; provided that certain provisions relating to:
  - (A) Unencumbered balances remaining in the technology special fund;
  - (B) Appropriations relating to certain employment positions in the Hawaii Technology Development Corporation;
  - (C) The establishment of and appropriation of funds for positions in the Hawaii Broadband Office; and
  - (D) The Broadband Advisory Council;

are effective on July 1, 2019.

Your Committee received testimony in support of the Proposed Draft from the Department of Business, Economic Development, and Tourism; and Hawaii Technology Development Corporation.

Your Committee received comments on the Proposed Draft from the Department of Taxation, Cable Television Division of the Department of Commerce and Consumer Affairs, and Hawaii Strategic Development Corporation.

Your Committee finds that Hawaii must become a leader in technology development, transfer, and commercialization in order to succeed in a competitive and evolving twenty-first century global economy.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

- (1) Renaming the "Hawaii Innovation and Technology Corporation" to the "Hawaii Innovation Technology and Research Corporation" and making conforming amendments throughout the measure;
- (2) Inserting program appropriations for the operating expenses of the Hawaii Innovation Technology and Research Corporation;
- (3) Changing the statutory ceiling of the technology special fund established pursuant to section 206M-15.5, Hawaii Revised Statutes, from \$3,000,000 to an unspecified amount; and
- (4) Providing that parts VII and VIII of the measure shall take effect on July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 624, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 624, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Inouye).

# SCRep. 2052 Ways and Means on H.B. No. 747

The purpose and intent of this measure is to ensure equal opportunity to disabled persons in public employment.

Specifically, this measure:

- (1) Establishes "employment first" as a policy of the State and counties, to fully include disabled persons in the workplace and community through integrated employment as the first option for employment services for disabled persons of working age; and
- (2) Requires the Department of Human Services to:
  - (A) Practice employment first principles with respect to personnel in Medicaid home- and community-based waiver programs; and
  - (B) Ensure that contracted service and care providers in Medicaid home- and community-based waiver programs practice employment first principles in the hiring of their employees.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, State Rehabilitation Council, Arc of Kona, Democratic Party of Hawaii Labor Caucus, and two individuals.

Your Committee finds that it is appropriate for the State and counties to take action to ensure that disabled persons have the opportunity to attain gainful employment in the public sector.

Your Committee notes the concerns expressed by the State Council on Developmental Disabilities that this Act could be construed as requiring employers to give preference to, or mandate hiring of, a person with a disability, which would exceed the definition of "employment first."

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 747, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 747, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

# SCRep. 2053 (Majority) Ways and Means on H.B. No. 820

The purpose and intent of this measure is to increase the supply of housing in the State.

More specifically, this measure:

- (1) Prohibits the imposition of inclusionary zoning requirements on housing offered exclusively for sale in perpetuity to certain buyers;
- (2) Establishes the ALOHA Homes Program to provide affordable, locally owned homes for all, or ALOHA homes, for sale to residents of the State on state-owned lands within one-half mile of a public transit station, and with regard to the ALOHA Homes Program:
  - (A) Requires the Housing Finance and Development Corporation to adopt community and public notice procedures;
  - (B) Establishes urban redevelopment sites;
  - (C) Requires the corporation to establish rules on health, safety, building, planning, zoning, and land use;

- (D) Prohibits any use of ALOHA homes within an urban redevelopment site other than owner-occupied residential use;
- (E) Subjects certain contracts regarding ALOHA homes to the Hawaii public procurement code;
- (F) Requires the corporation to transfer ALOHA homes units within residential projects to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs and to adopt rules to determine the number of homes to transfer;
- (G) Requires the corporation to recoup all of its expenses through the sale of the leasehold interest of ALOHA homes and other revenue resources;
- (H) Requires the corporation to adopt rules for the sale of the leasehold interest of certain ALOHA homes;
- (I) Requires that ALOHA homes within urban redevelopment sites be priced to be affordable to certain individuals;
- (J) Requires the corporation to establish waitlists for each residential development for eligible buyers;
- (K) Restricts the sale of ALOHA homes within urban redevelopment sites to eligible buyers;
- (L) Authorizes the owner of an ALOHA home to sell the home after a certain period and requires that the corporation has the right of first refusal and receives a certain percentage of the profits from the sale;
- (M) Exempts ALOHA homes from certain restrictions placed on real property that is a part of the corporation's housing development programs;
- (N) Authorizes the transfer of state and county lands not owned, controlled, or managed by the corporation in certain circumstances and with certain restrictions and requirements;
- (O) Authorizes the corporation to use condemnation to acquire land necessary for the ALOHA Homes program;
- (P) Requires the corporation to adopt rules to ensure relocation of any persons, businesses, or services displaced by governmental action within urban redevelopment sites;
- (Q) Authorizes the corporation to lease real or personal property constituting a commercial project to any person for a certain period with all revenues from the lease going to support the ALOHA Homes Program;
- (R) Requires the corporation to establish rules requiring, as a condition of developing real property within urban redevelopment sites, dedication for public facilities of land or facilities by developers;
- (S) Establishes the ALOHA Homes Revolving Fund and authorizes the corporation, with certain exceptions and restrictions, to make expenditures from the revolving fund without legislative appropriations or allotments;
- (T) Authorizes state and county agencies, upon request from the corporation, to render services for the ALOHA Homes Program;
- (U) Establishes the venue for certain actions or proceedings involving the ALOHA Homes Program and authorizes the issuance of declaratory relief in these actions or proceedings;
- (V) Authorizes the director of finance to issue general obligation bonds for the ALOHA Homes Program;
- (W) Authorizes the corporation to set, charge, and collect fines and seek injunctions for certain violations related to the ALOHA Homes Program;
- (X) Establishes penalties, including fines, imprisonment, or both, for certain violations related to the ALOHA Homes Program; and
- (Y) Requires the corporation to return any lands that are no longer needed by the corporation for affordable residential leasehold units to the previous owner;
- (3) Authorizes the corporation to sell leasehold condominium units to certain individuals for ninety-nine years and to extend or modify the fixed rental period of the lease or extend the term of the lease;
- (4) Subjects leasehold condominium units sold by the corporation to certain restrictions placed on real property that is a part of the corporation's housing development programs;
- (5) Exempts certain lands set aside for or leased to the corporation for a condominium from the definition of "public lands" for purposes of chapter 171, Hawaii Revised Statutes, except for the purpose of accounting for all receipts for lands subject to section 5(f) of the Admission Act;
- (6) Exempts from general excise tax the sale of a leasehold interest in an ALOHA home pursuant to the ALOHA Homes Program;
- (7) Amends the definition of "public lands" in chapter 171, Hawaii Revised Statutes, to include:
  - (A) Lands set aside by the Governor to the corporation;
  - (B) Lands leased to the corporation by any state department or agency;
  - (C) Lands set aside by the Governor to the Hawaii Public Housing Authority; and
  - (D) Lands to which the authority, in its corporate capacity, holds title;
- (8) Subjects certain lands owned or leased by or set aside for the corporation to accounting requirements in section 5(f) of the Admission Act for the prior fiscal year;

- (9) Requires prior approval from the Legislature for the sale or gift of any lands to which the authority, in its corporate capacity, holds title;
- (10) Exempts developments by the corporation for the ALOHA Homes Program from the requirement that a person seeking to develop a new residential development within a designated school impact district fulfill the land component impact fee or fee in lieu requirement and construction cost component impact fee requirement; and
- (11) Appropriates an unspecified amount for the ALOHA Homes Program.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority; Chamber of Commerce Hawaii; Faith Action for Community Equity; Habitat for Humanity Hawaii Island, Inc.; and one individual.

Your Committee received written comments in opposition to this measure from Hawaii Iron Workers Stabilization Fund.

Your Committee received written comments on this measure from the Department of the Attorney General and Hawaii Housing Finance and Development Corporation.

Your Committee finds that incentivizing the construction of affordable housing is necessary to address the State's current housing crisis.

Your Committee acknowledges the concerns expressed by the Department of the Attorney General regarding an arguable violation of Article VII, section 5, of the Hawaii State Constitution by the inclusion of a provision in the measure that exempts expenditures from the ALOHA Homes Revolving Fund from legislative appropriations and allotments.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 820, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki, Riviere, Fevella). Noes, 1 (Harimoto). Excused, 2 (English, Inouye).

#### SCRep. 2054 Ways and Means on H.B. No. 889

The purpose and intent of this measure is to increase the use of public-private partnerships in financing public projects.

Specifically, this measure:

- (1) Establishes a temporary public-private partnership working group in the Department of Accounting and General Services to support state and county agencies in the use of best practices in contracting for public-private partnership projects;
- (2) Incorporates public-private partnership components into the Hawaii Public Procurement Code; and
- (3) Appropriates funds to the Department of Accounting and General Services to establish and operate the working group and to fund the state public-private partnership coordinator position for the working group.

Your Committee received written comments in support of this measure from The Chamber of Commerce Hawaii.

Your Committee received written comments in opposition to this measure from Americans for Democratic Action and Progressive Democrats of Hawaii.

Your Committee received written comments on this measure from the Hawaii Government Employees Association.

Your Committee finds that public-private partnerships offer the State an innovative method of developing social infrastructure without the use of public funds.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 889, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Keith-Agaran, Riviere, Taniguchi).

# SCRep. 2055 Ways and Means on H.B. No. 921

The purpose and intent of this measure is to clarify the respective authority of the Department of Education and the Executive Office on Early Learning over state-funded prekindergarten programs.

Specifically, this measure:

- (1) Requires that the functions and authority exercised by the Department of Education relating to state-funded prekindergarten programs, except for special education, Title I, and private partnership funded prekindergarten programs, shall be delineated in a memorandum of understanding between the Executive Office on Early Learning and the Department of Education, including the structure of support for Title I-funded prekindergarten classrooms;
- (2) Outlines the administrative authority of the Executive Office on Early Learning over state-funded prekindergarten programs;
- (3) Outlines the oversight areas of the Department of Education for prekindergarten classrooms;
- (4) Establishes dispute resolution procedures for the Executive Office on Early Learning and the Department of Education; and
- (5) Appropriates funds to the Executive Office on Early Learning to administer early childhood education programs and to provide support to Title I-funded prekindergarten classrooms in the Department of Education.

Your Committee held a public hearing on a Proposed Senate Draft 2 (Proposed S.D. 2), which was circulated prior to the hearing.

The Proposed S.D. 2 added a new part to the measure to appropriate funds for and authorize the State Public Charter School Commission to establish and fund charter school prekindergarten classrooms.

Your Committee received testimony in support of the Proposed S.D. 2 from the State Public Charter School Commission, Waialae Elementary Public Charter School, Aloha United Way, and several individuals.

Your Committee received comments on the Proposed S.D. 2 from the Board of Education, Department of Education, Department of the Attorney General, Executive Office on Early Learning, Parents and Children Together, Kamehameha Schools, Early Childhood Action Strategy, and Hawaii Children's Action Network.

Your Committee finds that overlap in jurisdiction over prekindergarten programs between the Department of Education and the Executive Office on Early Learning is wasteful and unnecessary, and is based upon a misunderstanding of the specialized knowledge and education that is required when providing educational services to the youngest children.

Your Committee notes that the Department of the Attorney General proposed further amendments to the measure in its testimony. Specifically, the Department of the Attorney General proposed:

- (1) Exempting charter school prekindergarten classrooms from the administrative authority of the Executive Office on Early Learning, if the intent of the Legislature is to make State Public Charter School Commission charter school prekindergarten classrooms independent of the Executive Office on Early Learning;
- (2) Changing a reference to "individualized education plan" to "individualized education program," in order to conform Hawaii statutory language with the federal Individuals with Disabilities Education Act; and
- (3) Exempting the Executive Office on Early Learning prekindergarten programs from the child care licensing standards of the Department of Human Services, if the intent of the Legislature is to maintain the status quo for Department of Education prekindergarten programs, which are currently exempt from the Department of Human Services child care licensing standards.

Your Committee has amended this measure by adopting the Proposed S.D. 2, which takes effect on July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 921, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 921, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Inouye, Kahele, Kidani, Taniguchi).

#### SCRep. 2056 Ways and Means on H.B. No. 942

The purpose and intent of this measure is to make appropriations to satisfy claims against the State, its officers, or its employees.

Your Committee received written comments in support of this measure from the Department of the Attorney General.

Your Committee received written comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the timely passage of this measure will minimize the State's obligation to pay interest on the amounts necessary to satisfy the applicable claims.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 942, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 942, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

# SCRep. 2057 Ways and Means on H.B. No. 1070

The purpose and intent of this measure is to prohibit the Department of Education from requiring that a public school expend school funds to maintain geographically disadvantageous land on or adjacent to the public school's property.

For purposes of a public hearing, your Committee circulated a proposed S.D. 1 (Proposed Draft) of the measure and notified the public that your Committee would be accepting testimony on the Proposed Draft, which adds to the measure provisions appropriating moneys for six permanent full-time equivalent positions and funding for the Hawaii Teacher Standards Board.

Your Committee received written comments in support of the H.D. 1 from Benjamin Parker Elementary School.

Your Committee received testimony in support of the Proposed Draft from the Department of Education, State Public Charter School Commission, Hawaii State Teachers Association, and Hawaii Teacher Standards Board.

Your Committee finds that additional positions for the Hawaii Teacher Standards Board will help to increase alternative pathways to teacher licensure and more effectively allow out-of-state teachers to gain licensure in the State, which will help increase the number of licensed teachers in Hawaii and, thereby, reduce the current teacher shortage.

Your Committee has amended this measure by adopting the Proposed Draft and by further amending it to change the amounts appropriated to unspecified amounts to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1070, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1070, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 11. Noes, none. Excused, 2 (English, Inouye).

## SCRep. 2058 (Majority) Ways and Means on H.B. No. 1274

The purpose and intent of this measure is to appropriate funds to the Department of Education for developing and implementing computer science professional development programs for teachers.

Prior to decision making on this measure, your Committee made available for public review a proposed Senate Draft 1 (Proposed Draft) of this measure, which amends the measure by replacing its contents with provisions that allow graduate student assistants employed by the University of Hawaii to collectively bargain.

Your Committee received testimony in support of the Proposed Draft from the Democratic Party of Hawaii, Hawaii State Teachers Association, LGBT Caucus of the Democratic Party of Hawaii, University of Hawaii Professional Assembly, Pride at Work Hawaii, ILWU Local 142, Academic Labor United, Labor Caucus of the Democratic Party of Hawaii, and six individuals.

Your Committee received testimony in opposition to the Proposed Draft from the University of Hawaii.

Your Committee received comments on the Proposed Draft from the Department of Budget and Finance.

Your Committee finds that the right to collectively bargain would allow University of Hawaii graduate student assistants to negotiate grievance procedures with access to arbitration; negotiate their salary, wages, and benefits; and protect themselves against arbitrary and capricious employment behavior.

Your Committee has amended this measure by adopting the Proposed Draft, which takes effect on January 1, 2051.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1274, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1274, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Harimoto). Noes, 2 (Moriwaki, Riviere). Excused, 2 (English, Inouye).

## SCRep. 2059 Ways and Means on H.B. No. 1356

The purpose and intent of this measure is to appropriate funds for the Office of Elections operating budget, including the 2020 election voting contract, 2021 reapportionment, and four temporary positions.

Your Committee received written comments in support of this measure from the Office of Elections.

Your Committee finds that the Office of Elections is the entity responsible for both reapportionment and entering into electronic voting system contracts on behalf of the State. This measure will provide necessary funding so that the office may fulfill its obligations.

Your Committee has amended this measure by changing the effective date to July 1, 2019, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1356, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1356, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Inouye, Taniguchi).

# SCRep. 2060 Ways and Means on H.B. No. 1449

The purpose and intent of this measure is to preserve access to healthcare for Medicaid recipients.

Specifically, this measure:

- (1) Extends the nursing facility sustainability program to 2021;
- (2) Allows the nursing facility sustainability fee to be used to enhance capitated rates for the purpose of paying quality incentives;
- (3) Increases the nursing facility sustainability fee limit from 4.0 to 5.5 percent of net patient service revenue;
- (4) Increases the per resident daily maximum fee from \$13.46 to \$20.00 for each facility, and increases the per resident reduced daily maximum fee from \$5.85 to \$9.00 for facilities that meet certain exceptions; and
- (5) Appropriates funds out of the nursing facility sustainability program special fund for fiscal years 2019-2020 and 2020-2021.

Your Committee received written comments in support of this measure from the Department of Human Services, Aloha Nursing Rehab Centre, The Queen's Health Systems, Hawaii Medical Service Association, and Healthcare Association of Hawaii.

Your Committee finds that, since its inception in 2012, the nursing facility sustainability program has helped long-term care facilities treat the most vulnerable patients in the State. Your Committee further finds that the program has helped to ensure that patients, especially those with low incomes, are able to access quality, affordable care.

Your Committee has amended this measure by changing the effective date to:

- (1) July 1, 2050, for sections 7 and 8; and
- (2) June 29, 2050, for the remainder of the measure,

to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1449, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1449, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (English, Harimoto, Kahele).

#### SCRep. 2061 Ways and Means on H.B. No. 1487

The purpose and intent of this measure is to mitigate the effects of sea level rise, caused by climate change, on the Honolulu shoreline.

More specifically, this measure:

- (1) Establishes the Honolulu shoreline climate protection pilot project within the Hawaii Climate Change Mitigation and Adaptation Commission;
- (2) Requires the commission to:
  - (A) Partner with the Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu to plan a system of coastal protections for certain areas that designates different protection compartments;
  - (B) Submit reports to the Legislature in 2019 and 2020 on the status of the development of the pilot project; and
  - (C) Submit a final report to the Legislature in 2021 on the pilot project; and
- (3) Appropriates moneys to the commission for the development of the pilot project.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; University of Hawaii; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Hawaii Operating Engineers Industry Stabilization Fund; League of Women Voters of Hawaii; Surfrider Foundation; The Nature Conservancy; and one individual.

Your Committee finds that the potential impacts of climate change on the State necessitates mitigating measures.

Your Committee has amended this measure by designating the existing substantive provisions of the measure as Part I and, inserting as a Part II, language from H.B. No. 1584, H.D. 2, S.D. 1, which:

- (1) Requires the Office of Planning to:
  - (A) Conduct a study regarding the implementation of a statewide carbon tax;
  - (B) Submit an interim report of its progress, findings, and recommendations to the Legislature no later than December 31, 2019;
  - (C) Submit status reports at the Hawaii Climate Change Mitigation and Adaptation Commission's quarterly meetings; and
  - (D) Submit a final report of its findings and recommendations to the Legislature no later than October 31, 2020;
- (2) Authorizes the Office of Planning to contract with a third party to assist in the study; and
- (3) Appropriates moneys to the Office of Planning to conduct the study.

Your Committee has also amended the measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure and making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1487, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1487, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Inouye).

# SCRep. 2062 Ways and Means on H.B. No. 1552

The purpose and intent of this measure is to facilitate the administration of the State's criminal justice system.

Specifically, this measure:

- (1) Establishes the Hawaii Correctional System Oversight Commission within the Office of the Governor;
- (2) Extends the sunset date of the Reentry Commission established pursuant to Act 24, Special Session Laws of Hawaii 2009, as amended, to January 1, 2020;
- (3) Repeals the Corrections Population Management Commission; and

(4) Appropriates funds for the operations of the Hawaii Correctional System Oversight Commission.

Prior to decision making on this measure, your Committee made available for public review a proposed Senate Draft No. 2 (Proposed Draft) of this measure. The Proposed Draft amends the measure by:

- (1) Designating the existing substantive provisions of the measure as part I;
- (2) Inserting, as parts II to X, the substantive provisions of H.B. 1289, House Draft 2, implementing recommendations made by the Criminal Pretrial Task Force, which:
  - (A) Require intake service centers to fulfill certain requirements relating to assessments, including the completion of pretrial risk assessments and bail reports within two working days of an offender's admission to a community correctional center;
  - (B) Provide law enforcement officers with discretion to issue citations in lieu of making arrests for non-violent class C felonies:
  - (C) Establish that a defendant has a right to a prompt hearing concerning release or detention after an arrest;
  - (D) Establish that defendants arrested for certain non-violent offenses shall be released on their own recognizance, subject to certain conditions:
  - (E) Amend the scope of crimes that may affect a defendant's release before trial by amending the definition of "serious crimes" in chapter 804-3, Hawaii Revised Statutes;
  - (F) Create a rebuttable presumption that certain defendants shall be released or admitted to bail under the least restrictive conditions:
  - (G) Establish that monetary bail shall be payable on a twenty-four hours a day, seven days a week basis;
  - (H) Require that bail shall be set at a reasonable amount based upon all available information;
  - Provide that community correctional centers shall conduct periodic reviews of pretrial detainees to assess whether the detainees should remain in custody;
  - (J) Establish and appropriate funds for a Criminal Justice Research Institute;
  - (K) Authorize any court, upon a defendant's pretrial release, to order the defendant to submit to the use of electronic monitoring and surveillance or to require confinement to the defendant's residence;
  - (L) Require the Judiciary, in consultation with the Department of Public Safety, to develop and adopt a policy for determining whether a defendant's risk of non-appearance or recidivism may be mitigated by home detention or electronic monitoring;
  - (M) Appropriate an unspecified sum for intake service centers to provide support services to pretrial defendants;
  - (N) Require intake service centers to consider victims' concerns when making pretrial release recommendations;
  - (O) Require the Department of Public Safety to submit certain reports to the Legislature; and
  - (P) Provide an appropriation for intake service centers in relation to their pretrial duties; and
- (3) Making technical nonsubstantive changes.

Your Committee received written comments in support of H.B. No. 1552, H.D. 2, S.D. 1 from the Hawaii Paroling Authority; Office of the Prosecuting Attorney, County of Hawaii; Oahu County Democrats; Oahu County Democrats Legislative Priorities Committee; and one individual.

Your Committee received written comments in opposition to H.B. No. 1552, H.D. 2, S.D. 1 from three individuals.

Your Committee received testimony in support of the Proposed Draft from the Judiciary, Department of Public Safety, and Office of Hawaiian Affairs.

Your Committee received testimony in opposition to the Proposed Draft from the Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee received comments on the Proposed Draft from the Department of the Attorney General; Crime Victim Compensation Commission; Community Alliance on Prisons; American Civil Liberties Union of Hawaii; Sex Abuse Treatment Center; and two individuals.

Your Committee finds that it is appropriate to pursue reforms to the State's criminal justice system to ensure both the fair treatment of criminal defendants and the safety of victims and the general public.

Your Committee highlights the specific concerns regarding the Proposed Draft expressed in the written comments submitted by the Department of the Attorney General, Community Alliance on Prisons, American Civil Liberties Union of Hawaii, and James Lindblad, which the public may access through the website of the Hawaii State Legislature (https://www.capitol.hawaii.gov).

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

Extending the time that intake service centers have to conduct risk assessments and pretrial bail reports from two working days
to five working days after an offender is admitted to a community correctional center;

- (2) Deleting provisions that authorize law enforcement officers to issue citations in lieu of making arrests for non-violent class C felonies;
- (3) Requiring a prompt hearing concerning release or detention to occur at the time of a defendant's arraignment, rather than as soon as possible within five days of the defendant's arrest;
- (4) Deleting the requirement that a defendant shall be afforded an opportunity to present witnesses and cross-examine witnesses at the hearing concerning release or detention;
- (5) Providing that the defendant and the prosecution shall be afforded an opportunity to present information by proffer or otherwise at the hearing concerning release or detention;
- (6) Deleting provisions that require defendants arrested for certain non-violent offenses to be released on their own recognizance, subject to certain conditions;
- (7) Deleting the amendment to the definition of "serious crime" in chapter 804, Hawaii Revised Statutes;
- (8) Deleting provisions that create a rebuttable presumption that certain defendants shall be released or admitted to bail under the least restrictive conditions; and
- (9) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1552, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1552, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2063 Ways and Means on H.B. No. 1146

The purpose and intent of this measure is to increase efficiency and accountability in state procurement.

Specifically, this measure:

- (1) Requires contracting officers to complete past performance evaluations of contractors;
- (2) Requires that past performance be considered in:
  - (A) Sole source procurements; and
  - (B) Procurements by competitive sealed bids or competitive sealed proposals that meet or exceed the small purchase threshold;
- (3) Establishes an initial procurement working group; and
- (4) Appropriates funds to:
  - (A) Develop and create a statewide past performance database; and
  - (B) Outsource two full-time equivalent positions.

Your Committee did not receive any written comments on this measure.

Your Committee finds that requiring past performance evaluations of contractors will inform future contacting agencies of contractor performance and allow the State to conduct procurement more efficiently.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1146, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Keith-Agaran, Riviere, Taniguchi).

# SCRep. 2064 Ways and Means on H.B. No. 1524

The purpose and intent of this measure is to appropriate or authorize funds for various operating expenses of the Department of Education.

Your Committee received written comments in support of this measure from the Department of Education and Oahu County Democrats Legislative Priorities Committee.

Your Committee finds that this measure adjusts the operating budget for the Department of Education as necessary for the 2019-2021 fiscal biennium, using the Supplemental Appropriations Act of 2018 as the basis for appropriations, authorizations, and positions.

Your Committee has amended this measure by:

- (1) Replacing erroneous references to "School Administration" with references to "State Administration"; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1524, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1524, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

## SCRep. 2065 (Joint) Ways and Means and Housing on H.B. No. 1558

The purpose and intent of this measure is to incorporate sustainability coordination and planning into the duties and responsibilities of the Office of Planning.

Specifically, this measure:

- Codifies the Hawaii 2050 Sustainability Plan in the Hawaii Revised Statutes, with a provision requiring the Office of Planning to submit decennial updates of the plan to the Legislature;
- (2) Amends Act 8, Special Session Laws of Hawaii 2005, as amended by Act 210, Session Laws of Hawaii 2006, to delete the requirement that the Auditor, with the assistance of the Office of Planning, update and report to the Legislature the Hawaii 2050 Sustainability Plan; and
- (3) Appropriates an unspecified amount of funds for the Office of Planning to update the Hawaii 2050 Sustainability Plan.

Your Committees received written comments in support of this measure from the Office of Planning, Office of the Auditor, Hawaii Public Health Association, Ulupono Initiative, and Oahu County Democrats.

Your Committees find that this measure aligns with the State's sustainability goals and policies and provides necessary funding for the completion of an update of the Hawaii 2050 Sustainability Plan by the Office of Planning.

Your Committees note, for the purpose of clarity, that it is necessary to set out, in section 3 of the measure, the entire historical language from section 4 of Act 8, Special Session Laws of Hawaii 2005, as amended by Act 210, Session Laws of Hawaii 2006, to conform to customary drafting conventions.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1558, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Inouye, Taniguchi).

Housing: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

### SCRep. 2066 Ways and Means on H.B. No. 1561

The purpose and intent of this measure is to appropriate funds to and ensure the accountability of the Agribusiness Development Corporation.

Specifically, this measure:

- (1) Appropriates funds for the fiscal biennium 2019-2021 operating budget of the Agribusiness Development Corporation;
- (2) Appropriates funds for and requires the Auditor to contract with an accounting firm to conduct a performance audit of the Agribusiness Development Corporation, and authorizes the Auditor to conduct a financial audit of the Agribusiness Development Corporation if sufficient funds are available;
- (3) Requires the Agribusiness Development Corporation to include in its annual report certain information regarding its activities;
- (4) Requires the Agribusiness Development Corporation to post the annual report to its website.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed Senate Draft No. 2 (Proposed Draft), which amends this measure by:

- (1) Amending the amounts appropriated and number of positions authorized for the Agribusiness Development Corporation;
- (2) Changing the amount appropriated to the Auditor to contract with an accounting firm to conduct a performance audit of the Agribusiness Development Corporation from \$125,000 to an unspecified sum; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

Your Committee received testimony in support of the Proposed Draft from the Agribusiness Development Corporation; Larry Jefts Farms, LLC; and one individual.

Your Committee received comments on the Proposed Draft from the Office of the Auditor.

Your Committee finds that the information the Agribusiness Development Corporation is required to post online pursuant to this measure will increase government transparency and responsiveness.

Your Committee has amended this measure by adopting the Proposed Draft, and further amending the measure by:

- (1) Inserting a provision requiring that any funds appropriated in the measure for the Agribusiness Development Corporation's operating budget shall be included in the base budget of the Agribusiness Development Corporation;
- (2) Inserting a provision providing that the positions authorized in part II of the measure shall be in addition to the positions authorized for that program in the General Appropriations Act of 2019 and clarifying that any incumbent employee shall retain

that employee's civil service status, salary, seniority, retention points, prior service credit, earned vacation and sick leave, and other rights, benefits, and privileges, in accordance with state personnel laws;

- (3) Inserting a provision authorizing the position ceilings and funds appropriated by the measure to be transferred to the General Appropriations Act of 2019 for program execution and expenditure;
- (4) Changing the amount appropriated to the Auditor from an unspecified sum to \$100,000;
- (5) Providing that the appropriation to the Auditor shall be used to contract with an accounting firm to conduct a financial audit, rather than a performance audit, of the Agribusiness Development Corporation;
- (6) Appropriating \$20,000 for fiscal year 2019-2020 for an environmental assessment and appraisal of the property identified as TMK (1) 9-2-001:011-0000; and
- (7) Changing the effective date from July 1, 2019, to June 28, 2019.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1561, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1561, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kidani, Taniguchi).

### SCRep. 2067 Ways and Means on H.B. No. 1585

The purpose and intent of this measure is to establish a rebate program to promote the installation or upgrading of electric vehicle charging systems.

Your Committee received written comments in support of this measure from the Department of Transportation, Public Utilities Commission, Alliance of Automobile Manufacturers, The Chamber of Commerce Hawaii, Building Industry Association of Hawaii, Organizing for Action, Our Revolution Hawaii, 350Hawaii.org, Apollo Kauai, Ulupono Initiative, Blue Planet Foundation, Tesla, Building Owners and Managers Association of Hawaii, Environmental Caucus of the Democratic Party of Hawaii, Hawaiian Electric Companies, and numerous individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance; Department of Business, Economic Development, and Tourism; and Tax Foundation of Hawaii.

Your Committee finds that increasing the number of available electric vehicle charging stations is essential to making electric vehicles a viable alternative to traditional internal combustion engine vehicles.

Your Committee notes that the Public Utilities Commission has requested \$1,250,000 for the program in each year of the 2019-2021 fiscal biennium.

Your Committee has amended this measure by:

- Authorizing the Department of Business, Economic Development, and Tourism, subject to legislative approval, to transfer moneys in the energy security special fund to the electric vehicle charging system rebate program special fund and authorizing the electric vehicle charging system rebate program special fund to accept those moneys;
- (2) Providing that installation of electric vehicle charging systems for dedicated parking stalls in multi-unit residential buildings may be eligible for the electric vehicle charging system rebate program;
- (3) Defining "level two station" to coincide with the definition of "electric vehicle charging system" in section 291-71, Hawaii Revised Statutes, which includes a requirement that the system be designed and installed in compliance with article 625 of the National Electrical Code and does not specify a minimum voltage; and
- (4) Adding an unspecified appropriation into the electric vehicle charging system rebate program special fund.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1585, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1585, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee. Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2068 Human Services on Gov. Msg. No. 605

Recommending that the Senate advise and consent to the nomination of the following:

## DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES

G.M. No. 605 PANKAJ BHANOT, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Pankaj Bhanot for service as the Director of Human Services.

Your Committee received testimony in support of the nomination for the reappointment of Mr. Bhanot from the Governor; Lieutenant Governor; Department of Transportation; Department of Public Safety; Department of Hawaiian Home Lands; Department of Human Resources Development; Department of Accounting and General Services; Department of Health; Department of Labor and Industrial Relations; Department of Agriculture; Department of Business, Economic Development, and Tourism; Department of

Taxation; Department of Budget and Finance; Office of Enterprise Technology Services; Office of Community Services; Hawaii Public Housing Authority; State Procurement Office; Oahu Economic Development Board; Hawaii Disability Rights Center; Parents and Children Together; Healthcare Association of Hawaii; Hawaii Medical Service Association; Goodwill Industries of Hawaii, Inc.; Hawaii Public Policy Advocates; SanHi Government Strategies, LLLP; 'Ohana Health Plan; One Shared Future; and over thirty individuals.

Your Committee finds that Mr. Bhanot is currently the Director of Human Services, one of the largest state departments which is responsible for providing timely, efficient, and effective programs, services, and benefits to empower those who are the most vulnerable in the State to expand their capacity for self-sufficiency, self-determination, independence, healthy choices, quality of life, and personal dignity. Previously, Mr. Bhanot served as Deputy Director of Human Services, where he managed the day-to-day operations of the Department of Human Services and provided supervisory and management support to the divisions, staff offices, and attached agencies. Prior to that, he served as the Division Administrator for the Benefit, Employment, and Support Services Division of the Department of Human Services, where he provided leadership for the State's self-sufficiency and economic assistance programs. Mr. Bhanot earned a Master of Laws in International Human Rights Law from Cornell Law School and a Bachelor of Laws and a Bachelor of Arts in Political Science from the University of Delhi.

Your Committee believes that Mr. Bhanot, with almost two decades of experience in various leadership positions in the Department of Human Services, possesses the qualifications to continue to serve as Director of Human Services and lead the Department in implementing its mission. More particularly, his collaborative approach and commitment to serve are indicative of the type of leadership that is needed at the Department of Human Services. Testifiers commented on Mr. Bhanot's dedication to providing the most vulnerable with the resources that they need to live successful, independent lives. Testifiers also commented that Mr. Bhanot has already proven to be an effective and dynamic leader and has led the charge in enabling the Department to improve its effectiveness on reducing poverty in Hawaii.

Your Committee notes from Mr. Bhanot's personal statement that his goals for the Department of Human Services are to improve self-sufficiency and well-being of Hawaii's individuals and families, improve services integration and delivery to develop solutions for sustainable outcomes, and improve staff health and development. Mr. Bhanot believes that the future of delivery of human services will be shaped by trends and forces in the economy, employment, automation and other technology, policies, social attitudes and values, and environmental conditions, as well as the visions of communities and human services providers. Mr. Bhanot intends to focus on reinventing the Department with agile service delivery by creating a more open and collaborative culture to stimulate innovation, apply cloud and cognitive process automation to improve business agility, and respond rapidly to disruptions and new waves of citizen and customer demands; marrying data with design by using human-centered design thinking to understand data collected to create authentic citizen and customer experiences, bring designers and data analysts together with citizens, businesses, and other ecosystem partners, and focus on the needs of citizens and businesses; and liberate talent by being clear and transparent on expectations, encouraging people to use ingenuity, experiment, and take risks, and looking for staff who can communicate well and are comfortable working in cross-functional teams. Mr. Bhanot expressed that he is excited for the opportunity to build on the foundation that the Department's team has already established and continue the Department's mission.

Your Committee finds that Mr. Bhanot has the leadership skills, intelligence, knowledge, dedication, and compassion to continue to serve as the Director of Human Services.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

# SCRep. 2069 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 559, 624, and 625

Recommending that the Senate advise and consent to the nominations of the following:

# SMALL BUSINESS REGULATORY REVIEW BOARD

G.M. No. 559 JONATHAN SHICK, for a term to expire 06-30-2022;

G.M. No. 624 JAMES LEE, for a term to expire 06-30-2020; and

G.M. No. 625 GARTH YAMANAKA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories and resumes submitted by Jonathan Shick, James Lee, and Garth Yamanaka for service on the Small Business Regulatory Review Board.

### JONATHAN SHICK

Your Committee received testimony in support of the nomination for the appointment of Jonathan Shick from the Department of Business, Economic Development, and Tourism; Small Business Regulatory Review Board; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Shick's construction industry, business ownership, and management experience qualify him for appointment to the Small Business Regulatory Review Board. Your Committee notes that Mr. Shick has over thirteen years of professional experience as a construction and consulting professional in the healthcare, condominium, hospitality, residential, and renewable energy industries, with an emphasis in structural and building envelope construction. Mr. Shick is the owner of Pono Consulting Group, LLC. Mr. Shick previously served as the Construction Manager for OpTerra Energy Services, Senior Consultant for Allana Buick & Bers, Inc., Project Manager for DRI Companies, and Assistant Superintendent for Kitchell Contractors, Inc. Your Committee further finds that Mr. Shick has a thorough understanding of the role and responsibilities of board members and recommends that he be appointed to the Small Business Regulatory Review Board based on his knowledge and professional experience as a small business owner within the construction industry.

### JAMES LEE

Your Committee received testimony in support of the nomination for the appointment of James Lee from the Department of Business, Economic Development, and Tourism and Small Business Regulatory Review Board.

Upon review of the testimony, your Committee finds that Mr. Lee's development experience, commitment to public service, and proven leadership qualify him for appointment to the Small Business Regulatory Review Board. Your Committee notes that Mr. Lee has over twenty-five years of management and development experience and is currently the Director of Development for W.H. Shipman, Ltd. Previously, Mr. Lee served as Vice President of Development for Oceanside 1250/Hokulia and Executive Vice President of Real Estate Development for JGL Enterprises. Mr. Lee is also a collaborative community leader who currently serves as a member of the Hawaii County Fire Commission, Catholic Church Land Asset Management Board, and Hawaii Health Systems Corporation East Hawaii Regional Board. Your Committee further finds that Mr. Lee has a thorough understanding of the role and responsibilities of board members and recommends that he be appointed to the Small Business Regulatory Review Board based on his knowledge, professional experience, and community involvement.

#### **GARTH YAMANAKA**

Your Committee received testimony in support of the nomination for the reappointment of Garth Yamanaka from the Department of Business, Economic Development, and Tourism and Small Business Regulatory Review Board.

Upon review of the testimony, your Committee finds that Mr. Yamanaka's real estate appraisal and business ownership experience and commitment to public service qualify him for reappointment to the Small Business Regulatory Review Board. Your Committee notes that Mr. Yamanaka has over seventeen years of experience as a real estate appraiser. Mr. Yamanaka owns and operates his own companies, G & H Appraisals Inc. and Kam Ave Holdings LLC. Mr. Yamanaka is also a licensed real estate agent and is currently serving as the Vice President of Yamanaka Enterprises, Inc. Mr. Yamanaka has served on the Small Business Regulatory Review Board since 2015 and is also an active board member of the Kanoelehua Industrial Area Association, Treasurer of the Rotary Club of South Hilo Foundation, and the Government Affairs Committee for the Japanese Chamber of Commerce & Industry of Hawaii. Your Committee finds that Mr. Yamanaka has a thorough understanding of the role and responsibilities of board members and recommends that he be reappointed to the Small Business Regulatory Review Board based on his knowledge, professional experience as real estate appraiser and agent, business ownership experience, and community involvement.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

# SCRep. 2070 Ways and Means on S.R. No. 66

The purpose and intent of this measure is to encourage the Department of Accounting and General Services to identify on-site energy production and energy conservation opportunities at the State Capitol that will respect the historic building and serve as an example of public renewable energy production.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee finds that making the Hawaii State Capitol an exemplification of the Governor and Legislature's on-site energy production and energy conservation principles will provide credibility and leadership in guiding the entire State to reach statutorily established renewable energy goals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 66, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2071 Ways and Means on S.R. No. 69

The purpose and intent of this measure is to encourage the Hawaii Community Development Authority to prioritize investment in public facilities in transit-oriented development zones and the Kalaeloa Community Development District.

Your Committee received written comments in support of this measure from Hunt Development Group, LLC.

Your Committee finds that the installation of certain facilities in transit-oriented development zones and the Kalaeloa Community Development District will help to diminish obstacles to the development of those areas.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 69, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2072 Ways and Means on S.R. No. 85

The purpose and intent of this measure is to request the Governor to prioritize the planting of four million trees along streets and roadways within the next four years.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, 350Hawaii.org, and seven concerned individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that planting additional trees along streets and roadways will help to make streets safer by slowing traffic, and will reduce urban heat, reduce stormwater runoff and erosion, improve air quality, and sequester additional carbon dioxide from the atmosphere.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 85 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 2073 Ways and Means on S.R. No. 88

The purpose and intent of this measure is to request the Department of Agriculture to explore ways to support Hawaii's dairy industry by designating areas in each county for dairy operations and developing incentives to increase dairy operations in the State.

Your Committee received no written comments on this measure.

Your Committee finds that this measure addresses the decline in dairy operations in the State, aims to reduce reliance on imported dairy products, and aligns with the statewide goal of increasing local food production.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 88, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2074 Ways and Means on S.R. No. 89

The purpose and intent of this measure is to explore alternatives to current renewable energy and agricultural operations by requesting the State Energy Office, in collaboration with the Department of Agriculture, to create and implement a strategic plan to increase renewable energy and local food production and create an economic impact report based on implementation of the strategic plan.

Your Committee received no written comments on this measure.

Your Committee finds that this measure aligns with both the State's renewable energy and local food production goals by encouraging action that will contribute to the State's energy and agricultural self-sufficiency, security, and resilience.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 89, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 2075 Ways and Means on S.R. No. 91

The purpose and intent of this measure is to request the Department of Human Resources Development to establish a pilot program to train prospective employees for success in employment with the State.

Your Committee received written comments in support of this measure from the Judiciary.

Your Committee finds that a pilot fellowship program has the potential to provide the State an additional source for recruiting, promoting, and retaining government employees.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 91, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 2076 Ways and Means on S.R. No. 93

The purpose and intent of this measure is to urge the Governor to establish and implement a tree planting program to plant at least one million new native trees per year over the next four years.

Your Committee received written comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are more than one hundred eighty thousand acres in the Forest Reserve System that would benefit from the planting of approximately five to seven million trees. If planted, these additional trees will improve watershed health and sequester millions of tons of carbon dioxide.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 93, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 2077 Ways and Means on S.R. No. 94

The purpose and intent of this measure is to increase the number of people prepared to enter public safety and resources enforcement careers by urging the Department of Public Safety and Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources to strengthen and enhance the school-to-career pipeline for positions in public safety and resources enforcement.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that by raising awareness of possible careers in public safety and resources enforcement, this measure helps to reduce state job vacancies and increase employee retention.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 94, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2078 Ways and Means on S.R. No. 95

The purpose and intent of this measure is to increase the number of qualified individuals in the areas of facilities maintenance and construction management in the State.

More specifically, this measure urges the University of Hawaii, in consultation with its facilities offices, the Department of Accounting and General Services, and industry representatives, to develop an integrated plan to provide certificates, degrees, and associated pathways in the areas of facilities maintenance and construction management.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services.

Your Committee finds that the State currently lacks a formal training pipeline for building facilities maintenance and construction management positions. Your Committee further finds that increasing the number of qualified individuals in these areas can help to address the State's shortage of qualified candidates for numerous vacant building facility manager and maintenance worker positions across the public and private sectors.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 95 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2079 Ways and Means on S.R. No. 96

The purpose and intent of this measure is to encourage the expansion of the aquaculture industry in Hawaii, specifically through the transfer of certain University of Hawaii College of Tropical Agriculture and Human Resources land parcels to the Agribusiness Development Corporation for the purposes of establishing aquaculture production on those lands.

Your Committee received written comments in support of this measure from the University of Hawaii and Hawaii Farm Bureau.

Your Committee finds that this measure aims to reduce reliance in the State on imported seafood and aligns with the statewide goal of increasing local food production through expansion of Hawaii's aquaculture industry.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 96 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2080 Ways and Means on S.R. No. 146

The purpose and intent of this measure is to support the development of a Hawaiian Language Plan to advance the use of the Hawaiian language in government services and transactions, private sector activity, tourism, and education in the State.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs and Kamehameha Schools.

Your Committee finds that this measure aims to preserve olelo Hawaii, an indigenous language of the State that is constitutionally-recognized as one of the State's official languages.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 146, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2081 Ways and Means on S.R. No. 148

The purpose and intent of this measure is to request the establishment of a working group to explore matters related to the Ala Wai Watershed, including the Ala Wai Canal Flood Risk Management Project.

Your Committee received no written comments on this measure.

Your Committee finds that this measure encourages dialogue and action to address community concerns regarding the Ala Wai

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 148, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 2082 Ways and Means on S.R. No. 151

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to complete the 2017 independent financial audit and management review of the office and its subsidiaries.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that an independent audit and management review are needed to identify areas of waste and inefficiency and to assist the Office of Hawaiian Affairs in the implementation of its mission.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 151 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

### SCRep. 2083 Ways and Means on S.R. No. 153

The purpose and intent of this measure is to request the Department of Education to conduct and submit to the Legislature a study that assesses the adequacy of programs within the department that are designed to prepare students for vocational careers.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Union.

Your Committee finds that many vocational career fields provide livable incomes for a number of the State's residents. Accordingly, your Committee finds that some students may benefit from the Department of Education's offering of courses and training in these fields.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 153 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2084 Ways and Means on S.R. No. 173

The purpose and intent of this measure is to encourage the Imiloa Astronomy Center to increase its educational efforts on Mauna Kea.

More specifically, this measure:

- (1) Encourages the Imiloa Astronomy Center to further develop and lead educational efforts on Mauna Kea at Hale Pohaku;
- (2) Encourages the transfer of the University of Hawaii's educational outreach efforts and operations at Hale Pohaku to the Imiloa Astronomy Center;
- (3) Requests that the chancellors of the University of Hawaii at Manoa and the University of Hawaii at Hilo submit a report to the Legislature; and
- (4) Requests that existing astronomical facilities contribute financial capital resources to construct the Imiloa Uka facility at Hale Pohaku.

No written comments were received on this measure.

Your Committee finds that the Imiloa Astronomy Center has found success in engaging Native Hawaiian students and residents of the State through the incorporation of Hawaiian culture and history into its educational efforts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 173, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2085 Ways and Means on S.R. No. 4

The purpose and intent of this measure is to urge the Hawaii State Department of the Attorney General to investigate the sexual abuse of minors in the State by clergy of the Roman Catholic Church.

Your Committee received written comments in support of this measure from the Sex Abuse Treatment Center and two individuals.

Your Committee finds that civil and criminal cases throughout the country have identified a pattern of Roman Catholic clergy who have sexually abused minors in multiple dioceses. Your Committee further finds that a formal investigation is needed to determine the extent of the abuse that has occurred in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 4 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2086 Ways and Means on S.R. No. 14

The purpose and intent of this measure is to request that the Department of Transportation conduct a study that examines the necessity of vehicle safety inspections in the State.

More specifically, this measure requests that the Department of Transportation:

- (1) Conduct a study on the feasibility of eliminating or modifying vehicle safety inspection requirements in the State;
- (2) Study the laws of other states that have eliminated or modified vehicle safety inspection requirements; and
- (3) Submit a report to the Legislature.

No written comments were received on this measure.

Your Committee finds that the current vehicle safety inspection requirements may not be necessary since these inspections do not necessarily reveal any material defects in the inspected vehicles.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 14, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2087 Ways and Means on S.R. No. 15

The purpose and intent of this measure is to request the Department of Agriculture and Hawaii Tourism Authority to report to the Legislature on the processing of State of Hawaii plant and animal declaration forms, including the costs involved, and to convene a task force to review the form's efficacy.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Farm Bureau, and Hawaii Tourism Authority.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that State of Hawaii plant and animal declaration forms completed by passengers arriving in Hawaii are a tool used to prevent the unintentional introduction of invasive plant and animal species into the State. More detailed information on the use and processing of the data collected by the forms may present opportunities to make the system more effective and cost-efficient.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 15, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

## SCRep. 2088 Ways and Means on S.R. No. 16

The purpose and intent of this measure is to request that the Legislative Reference Bureau establish a task force to review Hawaii's current voter education system and propose improvements in reports to the Legislature.

Your Committee received written comments in support of this measure from the Office of Elections.

Your Committee finds that insufficient voter education is a significant factor that contributes to poor citizen engagement in Hawaii, including low voter turnout at elections. Accordingly, your Committee finds that the State should explore the best ways to provide appropriate voter education to its residents.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 16 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2089 Ways and Means on S.R. No. 20

The purpose and intent of this measure is to urge the Department of Land and Natural Resources to properly manage and protect the Waianae Kai Forest.

Specifically, the measure:

- (1) Urges the Department of Land and Natural Resources to ensure water flow from certain streams in the Waianae Watershed for Native Hawaiian traditional and customary practices and to implement the Waianae Kai wildfire preparedness plan; and
- (2) Requests the Department of Land and Natural Resources' Division of Forestry and Wildlife to continue to manage the Waianae Kai Forest Reserve with native trees and shrubs and to restore forest areas damaged by the August 2018 fire with native trees and shrubs.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that this measure aligns with the State's constitutional obligations to benefit its people by protecting, controlling, and regulating Hawaii's water resources and holding in trust all public natural resources. Your Committee further finds that this measure aims to improve security, education, and response capabilities through the implementation of the Waianae Kai wildfire preparedness plan.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 20 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2090 Ways and Means on S.R. No. 23

The purpose and intent of this measure is to urge the State Capitol Management Committee to designate the Hawaii State Capitol building and grounds as a single-use plastic free zone.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that single-use plastics are detrimental to the State's environment and economy and to the health and well-being of both humans and animals.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 23, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 2091 Ways and Means on S.R. No. 31

The purpose and intent of this measure is to request the Auditor to evaluate the 2017 University of Hawaii internal audit of travel policy compliance for fiscal years 2015-2017 and submit a report to the Legislature.

Your Committee received written comments in support of this measure from the University of Hawaii.

Your Committee received written comments on this measure from the Office of the Auditor.

Your Committee finds that an independent evaluation by the Auditor will help to establish whether University of Hawaii employees and related personnel followed the proper travel policies and whether any suggested corrective actions were sufficient to address non-compliance with those policies.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 31, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2092 Ways and Means on S.R. No. 35

The purpose and intent of this measure is to promote the efficient management of the State's submerged lands and aquatic recreational facilities.

Specifically, this measure urges the Board of Land and Natural Resources to transfer management of all submerged lands, the boat launch ramp, and any related boat launch ramp facilities located at the Wahiawa Freshwater State Recreation Area from the Division of Aquatic Resources to the Division of Boating and Ocean Recreation.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources could use its expertise in vessel operation regulation and property management to manage all submerged lands and the boat launch ramp and related facilities at the Wahiawa Freshwater State Recreation Area.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 35, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2093 Ways and Means on S.R. No. 36

The purpose and intent of this measure is to encourage the Department of Education to partner with Na Kama Kai to make ocean safety and stewardship education available to all fourth grade public school students.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that learning ocean and water safety at a young age can help to prevent drownings.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 36 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

## SCRep. 2094 Ways and Means on S.R. No. 48

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to conduct an independent fiscal audit of all limited liability corporations created or controlled by the Office.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the transactions, accounts, procedures, and performance of limited liability corporations created by the Office of Hawaiian Affairs were not included in the scope of the Office of the Auditor's 2018 audit of the Office of Hawaiian Affairs. Accordingly, your Committee finds that an independent audit of these entities is necessary to understand the full scope of the Office's fiscal health.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 48 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

## SCRep. 2095 Ways and Means on S.R. No. 49

The purpose and intent of this measure is to urge examination and consideration of a sliding scale tuition or fee schedule for state pre-kindergarten programs.

Your Committee received written comments in opposition to this measure from the Hawaii State Teachers Association.

Your Committee finds that an exploration of means of funding for pre-kindergarten programs is appropriate.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 49 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

### SCRep. 2096 Ways and Means on S.R. No. 50

The purpose and intent of this measure is to urge the counties to submit a report to the Legislature regarding use of vehicle weight tax exemptions by members of the armed services.

No written comments were received on this measure.

Your Committee finds that, due to the limited ability of the State to determine the number of members of the armed services who claim vehicle weight tax exemptions and who also claim residency in the State, the counties may be the most appropriate entities to provide this information.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 50, S.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Harimoto, Kahele).

# SCRep. 2097 Ways and Means on S.R. No. 53

The purpose and intent of this measure is to grant legislative approval to amend an easement for a portion of state submerged lands at Honolulu Harbor, Oahu.

Your Committee received written comments in support of this measure from the Department of Transportation and two individuals.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to dispose of state submerged lands. A previous measure, Senate Concurrent Resolution No. 56, S.D. 1, Regular Session of 2014, authorized the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to issue a lease for a term coextensive with the term of the ground lease for the fast lands adjacent to Pacific Shipyards International covering a portion of state submerged lands fronting the property bound by Piers 24 to 26. After that measure was adopted, one of the drydocks that the submerged land was contemplated to contain was replaced by a larger drydock. The fast land area contemplated for Pacific Shipyards International occupancy was therefore reduced, so that the submerged land now extends beyond the fast land boundary. Accordingly, your Committee finds it appropriate to amend the easement so that the leased land encompasses the actual boundaries and matches the dimensions of the new drydock.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 53 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

# SCRep. 2098 Ways and Means on S.R. No. 58

The purpose and intent of this measure is to request that all elementary, intermediate, and middle schools in the State participate in the Safe Routes to School Program.

Your Committee received written comments in support of this measure from the Department of Transportation Services of the City and County of Honolulu.

Your Committee finds that participation in the Safe Routes to School Program can help to improve the health, safety, and independence of children in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 58 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2099 Ways and Means on S.R. No. 63

The purpose and intent of this measure is to request the Department of Business, Economic Development, and Tourism to study potential industries, other than tourism, to promote economic development in the County of Hawaii and submit a report to the Legislature of its findings and recommendations.

Your Committee did not receive written comments on this measure.

Your Committee finds that the County of Hawaii's land availability and low land costs, in comparison with other locations of the State, make the County a promising home for an emerging manufacturing industry. Your Committee further finds that a study by the Department of Business, Economic Development, and Tourism on potential industries of the County of Hawaii will help establish policies to guide the diversification of businesses in the area.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 63 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

#### SCRep. 2100 Commerce, Consumer Protection, and Health on Gov. Msg. No. 501

Recommending that the Senate advise and consent to the nomination of the following:

# **BOARD OF ACUPUNCTURE**

G.M. No. 501 DEBORAH MCMENEMY, for a term to expire 06-30-2020

Your Committee reviewed the personal history, resume, and statement submitted by Deborah McMenemy for service on the Board of Acupuncture.

Your Committee received testimony in support of the nomination for the appointment of Deborah McMenemy from the Board of Acupuncture and four individuals.

Upon review of the testimony, your Committee finds that Dr. McMenemy's knowledge, background, and experience qualify her to be nominated for appointment to the Board of Acupuncture as a licensee member. Your Committee notes that Dr. McMenemy has been a licensed acupuncturist in Hawaii since 2010 and is the owner of Wailuku Community Acupuncture, where she is responsible for the care of more than one thousand patients and manages the non-profit aspects of the business. Dr. McMenemy is also involved in various organizations within the acupuncture industry, including servicing on the Hawaii Acupuncture Association's Board of Directors. Dr. McMenemy has served as an interim member of the Board Acupuncture since December 2018 and her dedication to the profession and her willingness to serve the public will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. McMenemy be appointed to the Board of Acupuncture based on her experience, background, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2101 Commerce, Consumer Protection, and Health on Gov. Msg. No. 502

Recommending that the Senate advise and consent to the nomination of the following:

# BOARD OF PRIVATE DETECTIVES AND GUARDS

G.M. No. 502 PAUL FERREIRA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Paul Ferreira for service on the Board of Private Detectives and Guards.

Your Committee received testimony in support of the nomination for the appointment of Paul Ferreira from the Board of Private Detectives and Guards, Office of the Prosecuting Attorney of the County of Hawaii, Office of the Mayor of the County of Hawaiii,

County of Kauai Police Department, County of Maui Police Department, City and County of Honolulu Police Department, and two individuals.

Upon review of the testimony, your Committee finds that Police Chief Ferreira's background and extensive experience qualify him to be nominated for appointment to the Board of Private Detectives and Guards as a chief of police member. Your Committee notes that Police Chief Ferreira has been with the Hawaii County Police Department for over thirty-five years, is the Department's current Police Chief, and is an active, dedicated, and well-respected member of the State's law enforcement community. Throughout his long career with the Hawaii Police Department, Police Chief Ferreira has consistently demonstrated high integrity, competence, and compassion, as well as sensitivity to the issues that impact the quality of life for citizens in Hawaii County. Your Committee further finds that Police Chief Ferreira has served as an interim member of the Board of Private Detectives and Guards since August 2018 and has a thorough understanding of the role and responsibilities of board members and therefore recommends that Police Chief Ferreira be appointed to the Board of Private Detectives and Guards based on his knowledge, experience, and dedication to protecting and serving the public.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2102 Commerce, Consumer Protection, and Health on Gov. Msg. No. 508

Recommending that the Senate advise and consent to the nomination of the following:

#### HAWAI'I BOARD OF VETERINARY MEDICINE

G.M. No. 508 ROBERT JORDAN, for a term to expire 06-30-2020

Your Committee has reviewed the personal history, resume, and statement submitted by Robert Jordan for service on the Hawaii Board of Veterinary Medicine.

Your Committee received testimony in support of the nomination for the appointment of Robert Jordan for the Hawaii Board of Veterinary Medicine and two individuals.

Upon review of the testimony, your Committee finds that Dr. Jordan's knowledge, background, and commitment to public service qualify him to be nominated for appointment to the Hawaii Board of Veterinary Medicine as a licensee member. Your Committee notes that Dr. Jordan has been a licensed veterinarian in Hawaii for nearly fifteen years, previously practiced veterinary medicine as an emergency and critical care veterinarian, and has been the co-owner of Kona Veterinary Service in Kailua-Kona, which has been certified to the highest standards by the American Animal Hospital Association, since 2004. Your Committee further notes that Dr. Jordan has participated in numerous community service events including spay-neuter clinics and has demonstrated a consistent commitment to his practice and community. Your Committee further finds that Dr. Jordan has served as an interim member of the Hawaii Board of Veterinary Medicine since June 2018 and has a thorough understanding of the role and responsibilities of board members and therefore recommends that Dr. Jordan be appointed to the Hawaii Board of Veterinary Medicine based on his knowledge, experience, and dedication to serving the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2103 Commerce, Consumer Protection, and Health on Gov. Msg. No. 509

Recommending that the Senate advise and consent to the nomination of the following:

# MOTOR VEHICLE INDUSTRY LICENSING BOARD

G.M. No. 509 JOHN UEKAWA, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by John Uekawa for service on the Motor Vehicle Industry Licensing Board.

Your Committee received testimony in support of the nomination for the appointment of John Uekawa from the Motor Vehicle Industry Licensing Board, Hawaii Automobile Dealers' Association, and one individual.

Upon review of the testimony, your Committee finds that Mr. Uekawa's background, experience, and desire to contribute to the community qualify him for appointment to the Motor Vehicle Industry Licensing Board as an industry member. Your Committee notes that Mr. Uekawa has over thirty-five years of experience in the automotive industry in Hawaii, is currently the General Manager and President of New City Nissan, and has been a board member of the Hawaii Automotive Dealers' Association for twenty-one years. Mr. Uekawa has also served on numerous local and national boards, which demonstrates his commitment to the automotive industry and his community. Your Committee further finds that Mr. Uekawa has served as an interim appointee on the Motor Vehicle Industry Licensing Board since July 2018, and his years of experience in the motor vehicle industry continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Uekawa be appointed to the Motor Vehicle Industry Licensing Board based on his knowledge, experience, and commitment to protecting consumers.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2104 Commerce, Consumer Protection, and Health on Gov. Msg. No. 510

Recommending that the Senate advise and consent to the nomination of the following:

#### MOTOR VEHICLE REPAIR INDUSTRY BOARD

G.M. No. 510 DANSEN CARVALHO, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Dansen Carvalho for service on the Motor Vehicle Repair Industry Board.

Your Committee received testimony in support of the nomination for the appointment of Dansen Carvalho from the Department of Commerce and Consumer Affairs, NAPA Distribution Center Hawaii, NAPA Auto Parts Hawaii, and four individuals.

Upon review of the testimony, your Committee finds that Mr. Carvalho's background, commitment to public service, and proven leadership qualify him for appointment to the Motor Vehicle Repair Industry Board as an industry member. Your Committee notes that Mr. Carvalho has been the owner and operator of Dansen's Auto Repair and Towing, Inc. for more than twenty-two years and has worked in the automotive repair industry for nearly thirty years. He is a certified National Institute for Automotive Service Excellence (ASE) master technician and has twice won the ASE Technician of the Year award for Hawaii. Mr. Carvalho also created and funds Dansen's Auto Repair Scholarship, which pays for the first year of tuition for Waianae High School graduates enrolled in the automotive program at Honolulu Community College and Leeward Community College. Your Committee further finds that Mr. Carvalho has served as an interim appointee on the Motor Vehicle Repair Industry Board since January 2019, and his knowledge and experience continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Carvalho be appointed to the Motor Vehicle Repair Industry Board based on his knowledge and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

### SCRep. 2105 Commerce, Consumer Protection, and Health on Gov. Msg. No. 591

Recommending that the Senate advise and consent to the nomination of the following:

# ELEVATOR MECHANICS LICENSING BOARD

G.M. No. 591 JAMMIE GARCIA-PAAHANA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Jammie Garcia-Paahana for service on the Elevator Mechanics Licensing Board.

Your Committee received testimony in support of the nomination for the reappointment of Jammie Garcia-Paahana from the Elevator Mechanics Licensing Board and one individual.

Upon review of the testimony, your Committee finds that Ms. Garcia-Paahana's background, experience, and proven leadership on the Elevator Mechanics Licensing Board qualify her for reappointment as a licensee member. Your Committee notes that Ms. Garcia-Paahana has fifteen years of experience in the elevator trade and has been licensed in Hawaii as an elevator mechanic for nearly ten years. Ms. Garcia-Paahana has been with ThyssenKrupp Elevator since 2004, where she worked in construction, modernization, and repair; new installation estimating; and most currently as a Service Superintendent. Ms. Garcia-Paahana is also active in leadership roles with the International Union of Elevator Constructors, Local Union No. 126 and selects apprenticeship candidates as an interviewer. Your Committee further finds that Ms. Garcia-Paahana has been a member of the Elevator Mechanics Licensing Board state. April 2016 and her experience in the profession remains a valuable asset to the Board. Your Committee therefore recommends that Ms. Garcia-Paahana be reappointed to the Elevator Mechanics Licensing Board based on her knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2106 Commerce, Consumer Protection, and Health on Gov. Msg. No. 612

Recommending that the Senate advise and consent to the nomination of the following:

# STATE BOARD OF NURSING

G.M. No. 612 OLIVIA KIM, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Olivia Kim for service on the State Board of Nursing.

Your Committee received testimony in support of the nomination for the reappointment of Olivia Kim from the Board of Nursing and two individuals.

Upon review of the testimony, your Committee finds that Ms. Kim's background, knowledge, and proven experience on the State Board of Nursing qualify her for reappointment to the State Board of Nursing as a licensee member. Your Committee notes that Ms. Kim is licensed in Hawaii as a practical nurse, registered nurse, and nursing home administrator. Ms. Kim is dedicated to serving the State's kupuna, has practiced in the geriatric field of nursing for over a decade, and currently works as a Registered Nurse Care Coordinator at One Kalakaua Senior Living. Prior to that, Ms. Kim worked as Director of Assisted Living and Memory Support at Kahala Nui. Your Committee further finds that Ms. Kim has been a member of the State Board of Nursing since 2015 and currently serves as Vice Chair, and the insight she offers based on her experience with bedside care and with management and administration continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Ms. Kim be reappointed to the State Board of Nursing based on her knowledge, experience, and commitment to supporting the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

#### SCRep. 2107 Commerce, Consumer Protection, and Health on Gov. Msg. No. 532

Recommending that the Senate advise and consent to the nomination of the following:

#### POLICY ADVISORY BOARD FOR ELDER AFFAIRS

G.M. No. 532 SHELLY OGATA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Shelly Ogata for service on the Policy Advisory Board for Elder Affairs.

Your Committee received testimony in support of the nomination for the appointment of Shelly Ogata from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, one member of the Hawaii County Council, Zonta Club of Hilo, and five individuals.

Upon review of the testimony, your Committee finds that Ms. Ogata's background, experience, and commitment to public service qualify her to be nominated for appointment to the Policy Advisory Board for Elder Affairs. Your Committee notes that Ms. Ogata is currently a Council Aide for the Hawaii County Council and has previously held a number of roles that deal specifically with kupuna and caregivers, including five years as a Planner in the Hawaii County Office of Aging, where she developed and coordinated services for older adults and assisted in developing program policies and recommendations to meet the needs of Hawaii's older adults. Ms. Ogata is also dedicated to community service and has worked on a number of community outreach and service programs, including prior government board services as a member of the Hawaii County Planning Commission and on the State Council on Mental Health, where she served as Chair. Your Committee further finds that Ms. Ogata has served as an interim member of the Policy Advisory Board for Elder Affairs since July 2018 and has a thorough understanding of the role and responsibilities of board members, and her extensive experience and knowledge in the aging network would be an asset to the Board. Your Committee therefore recommends that Ms. Ogata be appointed to the Policy Advisory Board for Elder Affairs based on her knowledge, experience, and dedication to serving her community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2108 Commerce, Consumer Protection, and Health on Gov. Msg. No. 536

Recommending that the Senate advise and consent to the nomination of the following:

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

G.M. No. 536 JOHN BEEBE, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by John Beebe for service on the State Council on Developmental Disabilities.

Your Committee received testimony in support of the nomination for the appointment of John Beebe from the State Council on Developmental Disabilities and three individuals.

Upon review of the testimony, your Committee finds that Mr. Beebe's background, experience, and commitment to advocacy qualify him to be nominated for appointment to the State Council on Developmental Disabilities in the role of a parent of an individual with a developmental disability. Mr. Beebe's two youngest children have been diagnosed with Autism Spectrum Disorder, which has made his family acutely aware of the burden, challenges, struggles, hardships, and joys faced by thousands of families with children with developmental delays or disabilities. Your Committee notes that Mr. Beebe is a Commander in the United States Coast Guard and the President and Chief Executive Officer of Celestial Payments, professional experiences that have enabled him to create real world solutions that bridge the public and private sectors and given him diplomatic and relationship building skills. Your Committee finds that Mr. Beebe's professional skillset and personal experience will be valuable assets to the State Council on Developmental Disabilities and therefore recommends Mr. Beebe be appointed to the Council based on his knowledge, experience, and dedication to serving his community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2109 Commerce, Consumer Protection, and Health on Gov. Msg. No. 539

Recommending that the Senate advise and consent to the nomination of the following:

#### STATEWIDE HEALTH COORDINATING COUNCIL

G.M. No. 539 CRAIG NAKAMOTO, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Craig Nakamoto for service on the Statewide Health Coordinating Council.

Your Committee received testimony in support of the nomination for the appointment of Craig Nakamoto from the State Health Planning and Development Agency; Agilon Health; MDX Hawai'i, Inc.; Hawaii Association of Health Plans; and one individual.

Upon review of the testimony, your Committee finds that Mr. Nakamoto's background, experience, and commitment to his community qualify him to be nominated for appointment to the Statewide Health Coordinating Council. Your Committee notes that Mr. Nakamoto is an attorney who has held various legal counsel and compliance positions within the health care field, including at The Queen's Health Systems, The Queen's Medical Center, and Kaiser Foundation Health Plan Inc., for almost nineteen years and is currently the Chief Administrative Officer at MDX Hawaii, Inc. Mr. Nakamoto was also a member of the Honolulu Subarea Health Planning Council for nearly eight years and has participated on one Certificate of Need panel, an experience that will be an asset to the Statewide Health Coordinating Council. Your Committee further finds that Mr. Nakamoto has served as an interim member of the Statewide Health Coordinating Council since September 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Mr. Nakamoto be appointed to the Statewide Health Coordinating Council based on his knowledge, experience, and dedication to serving his community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2110 Commerce, Consumer Protection, and Health on Gov. Msg. No. 632

Recommending that the Senate advise and consent to the nomination of the following:

# MENTAL HEALTH & SUBSTANCE ABUSE, MAUI SERVICE AREA BOARD

G.M. No. 632 MEGAN KOSAKA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Megan Kosaka for service on the Mental Health and Substance Abuse, Maui Service Area Board.

Your Committee received testimony in support of the nomination for the appointment of Megan Kosaka from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Ms. Kosaka's background and experience qualify her to be nominated for appointment to the Mental Health and Substance Abuse, Maui Service Area Board. Your Committee notes that Ms. Kosaka is a Licensed Marriage and Family Therapist who has worked with families on Maui for nearly a decade, including assisting families struggling with issues directly related to substance abuse and recovery such as housing concern and homelessness, legal and custody issues, and transitional difficulties after incarceration. Ms. Kosaka is currently a Behavioral Health Specialist with the Department of Education, where she works with youth with high-end behavioral challenges, substance abuse issues, and other diagnoses that interfere with students' success in school. Your Committee further finds that Ms. Kosaka's background in family therapy as well as her education and experience working with children will be an asset to the Mental Health and Substance Abuse, Maui Service Area Board

and therefore recommends that Ms. Kosaka be appointed to the Board based on her knowledge, experience, and dedication to serving the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2111 Commerce, Consumer Protection, and Health on Gov. Msg. No. 513

Recommending that the Senate advise and consent to the nomination of the following:

#### BOARD OF CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT PLANTS

G.M. No. 513 VIRGILIO VIERNES, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Virgilio Viernes for service on the Board of Certification of Operating Personnel in Wastewater Treatment Plants.

Your Committee received testimony in support of the nomination for the appointment of Virgilio Viernes from two individuals.

Upon review of the testimony, your Committee finds that Mr. Viernes' background, knowledge, and prior experience on the Board of Certification of Operating Personnel in Wastewater Treatment Plants qualify him to be nominated for appointment to the Board as the Maui County representative. Your Committee notes that Mr. Viernes began his career as a nuclear propulsion plant machinist; has held multiple positions in wastewater treatment plants; and is now an Environmental Compliance Specialist for the Maui County Department of Environmental Management Solid Waste Division. Your Committee further finds that Mr. Viernes was a member of the Board of Certification of Operating Personnel in Wastewater Treatment Plants from 2010 to 2017 and was appointed in an interim capacity in June 2018 for another term. The insight he offers based on his many years of experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Viernes be appointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on his extensive experience, knowledge, and commitment to the wastewater treatment industry.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2112 Commerce, Consumer Protection, and Health on Gov. Msg. No. 517

Recommending that the Senate advise and consent to the nomination of the following:

# HAWAI'I ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

G.M. No. 517 JODY JOHNSON, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Jody Johnson for service on the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances.

Your Committee received testimony in support of the nomination for the appointment of Jody Johnson from the Department of Health and three individuals.

Your Committee finds Ms. Johnson's knowledge, education, and experience qualify her to be nominated for appointment to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances. Your Committee notes that Ms. Johnson has worked in a variety of practice settings in the counseling field over the past two decades; holds multiple certifications, including as a Licensed Marriage and Family Therapist, Certified Clinical Supervisor, and Certified Substance Abuse Counselor; and is currently serving as the Lead Counselor and Acting Director at the Substance Abuse Counseling Center at the Kaneohe Marine Corps Base Hawaii. Your Committee further finds that Ms. Johnson's extensive experience in the field of substance abuse counseling will be an asset to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances. Your Committee therefore recommends that Ms. Johnson be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances based on her knowledge, experience, and dedication to serving her profession.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2113 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 588, 589, and 590

Recommending that the Senate advise and consent to the nominations of the following:

#### HAWAI'I BOARD OF CHIROPRACTIC

G.M. No. 588 RACHEL KLEIN, for a term to expire 06-30-2023;

G.M. No. 589 ALICE OGAWA, for a term to expire 06-30-2022; and

G.M. No. 590 GERALD SIMMONS, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Rachel Klein, Alice Ogawa, and Gerald Simmons for service on the Hawaii Board of Chiropractic.

# RACHEL KLEIN

Your Committee received testimony in support of the nomination for the appointment of Rachel Klein from the Department of Commerce and Consumer Affairs, Hawaii State Chiropractic Association, and four individuals.

Upon review of the testimony, your Committee finds that Dr. Klein's background, experience, and proven leadership qualify her for appointment to the Hawaii Board of Chiropractic as a chiropractor member. Your Committee notes that Dr. Klein has been a licensed chiropractor since 2012, has been licensed in Hawaii since 2014, and currently serves the Hilo, Hawaii community as the Medical Director for Klein Natural Health and Wellness Center. Dr. Klein is also a licensed naturopathic physician, board-certified chiropractic neurologist, certified massage therapist, and adjunct faculty for National University of Health Sciences. Dr. Klein is actively involved in her state and national professional organizations, including serving as the alternate island Director of the Hawaii State Chiropractic Association and Treasurer of the Hawaii Society of Naturopathic Physicians Board of Directors. Your Committee finds that Dr. Klein's experience will enhance the Board's effectiveness and therefore recommends that Dr. Klein be appointed to the Hawaii Board of Chiropractic based on her knowledge, experience, and desire to contribute to the community.

#### ALICE OGAWA

Your Committee received testimony in support of the nomination for the appointment of Alice Ogawa from the Department of Commerce and Consumer Affairs, Hawaii State Chiropractic Association, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Ogawa's experience, knowledge, and commitment to community service qualify her for appointment to the Hawaii Board of Chiropractic as a chiropractic member. Dr. Ogawa has been a licensed chiropractor in Hawaii since 1982 and joined Ogawa Chiropractic on Kauai in 1987, where she continues her practice today. Additionally, Dr. Ogawa has served as the Kauai representative for the Hawaii State Chiropractic Association for many years, a position that has enabled her to remain updated on current laws and issues related to chiropractic. Dr. Ogawa is also a licensed chiropractor in Denmark and is a professional member of the International Chiropractors Association. Your Committee further finds that Dr. Ogawa's extensive experience is a valuable asset to the Hawaii Board of Chiropractic and her longstanding presence on Kauai will bring a thoughtful neighbor island perspective to the Hawaii Board of Chiropractic. Your Committee therefore recommends that Dr. Ogawa be appointed to the Hawaii Board of Chiropractic based on her background, knowledge, and dedication to serving the community.

# GERALD SIMMONS

Your Committee received testimony in support of the nomination for the appointment of Gerald Simmons from the Department of Commerce and Consumer Affairs, Hawaii State Chiropractic Association, and five individuals.

Upon review of the testimony, your Committee finds that Mr. Simmons' experience, background, and interest in serving the community qualify him to be nominated for appointment to the Hawaii Board of Chiropractic as a public member. Your Committee notes that Mr. Simmons has nearly twenty years of experience in medical offices, including serving as an Integrative Health Care Office Coordinator and fourteen years as an Office Manager at Saito Chiropractic Office in Honolulu. Mr. Simmons' many years of working in chiropractic offices has given him first hand experience dealing with the public, the insurance industry, and the clinical side of the field of chiropractic, and will bring a valuable public member perspective to the Board. Your Committee further finds that Mr. Simmons has a thorough understanding of the role and responsibilities of board members and this practical, professional, and administrative knowledge will be an asset to the Hawaii Board of Chiropractic. Your Committee therefore recommends that Mr. Simmons be appointed to the Hawaii Board of Chiropractic based on his experience in the health care field and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2114 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 613, 615, 617, and 618

Recommending that the Senate advise and consent to the nominations of the following:

# HAWAI'I MEDICAL BOARD

G.M. No. 613 PETER HOLT, for a term to expire 06-30-2022;

G.M. No. 615 DANNY TAKANISHI, JR., for a term to expire 06-30-2023;

G.M. No. 617 JONE GEIMER-FLANDERS, for a term to expire 06-30-2023; and

G.M. No. 618 WESLEY MUN, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Peter Holt; Danny Takanishi, Jr.; Jone Geimer-Flanders; and Wesley Mun for service on the Hawaii Medical Board.

#### PETER HOLT

Your Committee received testimony in support of the nomination for the reappointment of Peter Holt from the Hawaii Medical Board, Hawaii Medical Association, and two individuals.

Upon review of the testimony, your Committee finds Dr. Holt's background, experience, and proven leadership on the Hawaii Medical Board qualify him for reappointment to the Hawaii Medical Board as a physician member. Your Committee notes that Dr. Holt has nearly twenty-five years of experience as a radiologist and is certified by the American Board of Radiology, with a certificate of added qualifications in pediatric radiology. Dr. Holt has been licensed in Hawaii since 2011 and is currently a teleradiologist for Sheridan Radiology Services of West Florida, Inc. and the Chief of pediatric radiology quality assurance. Dr. Holt has also demonstrated a strong commitment to his community and public service through active participation with The Institute for Human Services. Your Committee further finds that Dr. Holt has been a member of the Hawaii Medical Board since June 2015 and serves as the Hawaii State Liaison to the Federation of State Medical Boards, and his experience and unique perspective as a radiologist who exclusively practices telemedicine continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Holt be reappointed to the Hawaii Medical Board based on his background, knowledge, and commitment to public service.

#### DANNY TAKANISHI, JR.

Your Committee received testimony in support of the nomination for the appointment of Danny Takanishi, Jr. from the Department of Commerce and Consumer Affairs, Hawaii Medical Association, and Federation of State Medical Boards.

Upon review of the testimony, your Committee finds Dr. Takanishi's background, experience, and dedication to serving the community qualify him for appointment to the Hawaii Medical Board as a surgeon member. Your Committee notes that Dr. Takanishi is a board-certified surgeon who has been licensed in Hawaii since 1989. Dr. Takanishi is presently an attending surgeon at The Queen's Medical Center in Honolulu and Associate Chair of Surgery for Academic Affairs at the University of Hawaii John A. Burns School of Medicine. Dr. Takanishi also serves on multiple regional and national professional organizations and has extensive experience in academic medicine, including as a member of the National Board of Medical Examiners/United States Medical Licensing Examination Test Development Committees and has been an active member of the Federation of State Medical Boards since 2006. Your Committee further finds that Dr. Takanishi previously served on the Hawaii Medical Board from 2006 to 2014, including serving as the Board's Chair for five years and his deep familiarity with national issues affecting state medical boards will be an asset to the Board. Your Committee therefore recommends that Dr. Takanishi be appointed to the Hawaii Medical Board based on his extensive experience, background, and commitment to public service.

#### JONE GEIMER-FLANDERS

Your Committee received testimony in support of the nomination for the reappointment of Jone Geimer-Flanders from the Hawaii Medical Board, Hawaii Medical Association, and one individual.

Upon review of the testimony, your Committee finds Dr. Geimer-Flanders' experience, background, and proven leadership on the Hawaii Medical Board qualify her for reappointment to the Hawaii Medical Board as an osteopathic physician member. Your Committee notes that Dr. Geimer-Flanders is a board-certified cardiologist and internal medicine physician and has been licensed in Hawaii since 2006. Dr. Geimer-Flanders is a staff Cardiologist and Chief of Inpatient Medicine Services at Tripler Army Medical Center and previously served as the Medical Director for Mountain-Pacific Quality Health. In addition to her medical practice, Dr. Geimer-Flanders is also an Assistant Clinical Professor at the University of Hawaii John A. Burns School of Medicine and has served on numerous peer review, credentials, and quality risk management committees throughout her career. Your Committee further finds that Dr. Geimer-Flanders has been a member of the Hawaii Medical Board since July 2014, currently serves as the Board's Chair and has acted as Hawaii's representative and delegate to the Federation of State Medical Boards. Your Committee also finds that Dr. Geimer-Flanders' insight and experience continue to enhance the effectiveness of the Board and recommends that Dr. Geimer-Flanders be reappointed to the Hawaii Medical Board based on her background and commitment to public service.

# WESLEY MUN

Your Committee received testimony in support of the nomination for the appointment of Wesley Mun from the Department of Commerce and Consumer Affairs, Department of Public Safety, Hawaii Disability Rights Center, and three individuals.

Upon review of the testimony, your Committee finds Mr. Mun's background, experience, and dedication to public service qualify him for appointment to the Hawaii Medical Board as a public member. Your Committee notes that Mr. Mun has nearly forty years of experience in health care, insurance administration, and corrections. Currently, Mr. Mun is a semi-retired consultant for WM and Associates and previously served as the Administrator of the Department of Public Safety's Health Care Division for a collective eighteen years, until his retirement in December 2018. Mr. Mun also held numerous positions in the health care industry, including the Acting Med-QUEST Division Administrator for the Department of Human Services, Executive Director for Foundation Health Services of California/DentiCare of California and Hawaii, and the Vice President of Operations of Hawaii Dental Service. Mr. Mun has also demonstrated a strong commitment to his community and public service through active participation in various organizations, including serving as President of the Pearlridge Rotary Club and Vice President of the Kung Sheong Doo Chinese Society. Your Committee further finds that Mr. Mun's insight from the public consumer perspective will enhance the effectiveness of the Hawaii Medical Board and therefore recommends that Mr. Mun be appointed to the Board based on his background and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

#### SCRep. 2115 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 514 and 515

Recommending that the Senate advise and consent to the nominations of the following:

#### EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

G.M. No. 514 KENNETH ZERI, for a term to expire 06-30-2019; and

G.M. No. 515 KENNETH ZERI, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Kenneth Zeri for service on the Emergency Medical Services Advisory Committee.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Kenneth Zeri from the Department of Health, Healthcare Association of Hawaii, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Zeri's experience, background, and commitment to community service qualify him to be nominated for appointment and reappointment to the Emergency Medical Services Advisory Committee. Mr. Zeri began his career as a firefighter and emergency medical technician in the California Department of Forestry, then commissioned into the United States Navy Nurse Corps, before transitioning into a thirty-two year career in hospice care. Mr. Zeri served in a number of capacities at Hospice Hawaii, Inc., including President for fifteen years, before retiring in 2017 and served on multiple boards over the course of his career, including the Board of Directors of Kokua Mau, Healthcare Association of Hawaii, and the National Hospice and Palliative Care Organization. Mr. Zeri has also been engaged in the legislative process since 1999 and has collaborated on several bills related to hospice, palliative, and end of life care. Your Committee finds that Mr. Zeri has served as an interim member of the Emergency Medical Services Advisory Committee since September 2018 and his legislative experience, professional expertise, and dedication to serving his community will be assets to the Committee, and therefore recommends that Mr. Zeri be appointed and reappointed to the Emergency Medical Services Advisory Committee.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2116 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 521 and 522

Recommending that the Senate advise and consent to the nominations of the following:

# HEALTH PLANNING COUNCIL, KAUA'I SUBAREA

G.M. No. 521 JILLIAN KELEKOMA, for a term to expire 06-30-2019; and

G.M. No. 522 JILLIAN KELEKOMA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Jillian Kelekoma for service on the Health Planning Council, Kauai Subarea.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Jillian Kelekoma from the State Health Planning and Development Agency and two individuals.

Upon review of the testimony, your Committee finds that Ms. Kelekoma's knowledge and experience qualify her to be nominated for appointment and reappointment to the Health Planning Council, Kauai Subarea. Your Committee notes that Ms. Kelekoma has over twenty years of experience in the health care industry and has held multiple roles, including as a paramedic on Oahu and Kauai, medical training officer, flight paramedic, and medical coordinator. Currently, Ms. Kelekoma is the Medical Operations Manager at LifeSave KūPono where she provides oversight and general management for a critical care air ambulance provider. Ms. Kelekoma also works as a Paramedic with AMR Hawaii-Kauai County, Medical Training Officer with Barking Sands Fire Department, and as an EMS Educational Coordinator-Kauai County for Kapiolani Community College, Department of Emergency Medical Services. Your Committee further finds that Ms. Kelekoma has served as an interim member of the Health Planning Council, Kauai Subarea, since August 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Ms. Kelekoma be appointed and reappointed to the Health Planning Council, Kauai Subarea, based on her knowledge, experience, and dedication to serving her industry and community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2117 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 528, 529, 530, and 531

Recommending that the Senate advise and consent to the nominations of the following:

#### MENTAL HEALTH & SUBSTANCE ABUSE, O'AHU SERVICE AREA BOARD

- G.M. No. 528 SHIRLEY DAVENPORT, for a term to expire 06-30-2019;
- G.M. No. 529 SHIRLEY DAVENPORT, for a term to expire 06-30-2023;
- G.M. No. 530 CHRISTINE PARK, for a term to expire 06-30-2019; and
- G.M. No. 531 CHRISTINE PARK, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Shirley Davenport and Christine Park for service on the Mental Health and Substance Abuse, Oahu Service Area Board.

#### SHIRLEY DAVENPORT

Your Committee received testimony in support of the nomination for the appointment and reappointment of Shirley Davenport from the Department of Health, Hina Mauka, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Davenport's background, experience, and commitment to public service qualify her to be nominated for appointment and reappointment to the Mental Health and Substance Abuse, Oahu Service Area Board. Your Committee notes that Dr. Davenport is a social worker and certified substance abuse counselor who currently works in Waianae at Ho'omau Ke Ola, Inc., a residential and outpatient substance abuse treatment center. Dr. Davenport previously worked at the Waianae Coast Community Health Center for over nine years and at the River of Life Mission, and is a dedicated community service volunteer. Your Committee further finds that Dr. Davenport previously served eight years on the Mental Health and Substance Abuse, Oahu Service Area Board and has been an interim member of the current board since July 2018 and has a thorough understanding of the role and responsibilities of board members. Your Committee therefore recommends that Dr. Davenport be appointed and reappointed to the Mental Health and Substance Abuse, Oahu Service Area Board based on her knowledge of the mental health needs of the Waianae community, experience, and dedication to serving her community.

#### CHRISTINE PARK

Your Committee received testimony in support of the nomination for the appointment and reappointment of Christine Park from the Department of Health and four individuals.

Upon review of the testimony, your Committee finds that Ms. Park's background, experience, and education qualify her to be nominated for appointment and reappointment to the Mental Health and Substance Abuse, Oahu Service Area Board. Your Committee notes that Ms. Park has spent the past eleven years working in the public education system as an educator for at-risk adolescents, counselor for youth with emotional and behavioral challenges, and currently as the Program Coordinator at the Waipahu Community School for Adults for adults in transition. Your Committee notes that Ms. Park is a licensed mental health counselor, national certified counselor, and a current doctoral candidate in counselor education and supervision. Your Committee further finds that Ms. Park has served as an interim member of the Mental Health and Substance Abuse, Oahu Service Area Board since July 2018 and her background and interest in advancing mental health services for disadvantaged, underserved, and marginalized populations will be an asset to the Board. Your Committee therefore recommends that Ms. Park be appointed and reappointed to the Mental Health and Substance Abuse, Oahu Service Area Board based on her knowledge, experience, and dedication to her profession.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2118 Hawaiian Affairs on Gov. Msg. No. 610

Recommending that the Senate advise and consent to the nomination of the following:

# ISLAND BURIAL COUNCIL, ISLANDS OF MAUI AND LANA'I

G.M. No. 610 LEAHI HALL, for a term to expire 06-30-2023

Your Committee reviewed the personal history and resume submitted by Leahi Hall for service on the Island Burial Council, Islands of Maui and Lana'i.

Your Committee received testimony in support of the nomination for the appointment of Leahi Hall from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Ms. Hall was born and raised on the island of Maui and has a firm understanding of the issues pertaining to the Island Burial Council for the islands of Maui and Lana'i. She has a Bachelor of Arts in Cultural and Social Anthropology from Stanford University and a Master's degree in Coaching and Athletic Administration from Concordia University. Ms. Hall is a member of the first graduating class of Punana Leo 'O Maui, one of only two students who continued Hawaiian language immersion education through high school in the lead class of Kula Kaiapuni 'O Maui, and speaks fluent Hawaiian. She serves on the Board of Directors for the Hawaiian Islands Land Trust and the Hui Alanui 'O Makena. Ms. Hall currently works for Discovery Land Company, where she provides guidance and coordinates all archaeological needs for development projects and manages community advisory groups with attention to cultural and local homeowner interests.

As the daughter of Dana Naone-Hall, a long-time mālama iwi practitioner and advocate who served several terms on the Island Burial Council, Islands of Maui and Lana'i, and Isaac Hall, iwi advocate and attorney who led the charge in several significant battles to preserve Hawaiian historic and cultural resources, Ms. Hall grew up in a home where mālama was more than a practice, but a

lifestyle. Ms. Hall has continued to build upon the foundation of her cultural and public interest upbringing through her educational pursuits and community service. Ms. Hall's professional work further demonstrates her understanding of the delicate balance needed to preserve valuable natural and cultural resources and her aspiration to see development in Hawai'i that is sustainable and responsible for the 'aina and its people.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 2119 Hawaiian Affairs on Gov. Msg. Nos. 622 and 623

Recommending that the Senate advise and consent to the nominations of the following:

## ISLAND BURIAL COUNCIL, ISLANDS OF KAUA'I AND NI'IHAU

G.M. No. 622 JOHNNETTE KAHALEKAI, for a term to expire 06-30-2019; and

G.M. No. 623 JOHNNETTE KAHALEKAI, for a term to expire 06-30-2023

Your Committee reviewed the personal history and resume submitted by Johnnette Kahalekai for service on the Island Burial Council, Islands of Kaua'i and Ni'ihau.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Ms. Kahalekai from the Department of Land and Natural Resources.

Ms. Kahalekai was born and raised on the island of Kaua'i and has gained a firm understanding of issues on the islands of Kaua'i and Ni'ihau. She attended Kaua'i High School, University of Hawai'i for a year, and the Kaua'i Community College where she earned a Construction Technician Certificate. She currently sits on the Kupuna Council of Kaua'i that is sponsored by Ho'ola Lahui/Papa Lokahi. Ms. Kahalekai is an ordained Kahu and Wedding Officiant at the Church of Universal Light and is a ho'oponopono practitioner. According to Ms. Kahalekai's resume, her occupation has allowed her to work closely with iwi, and she hopes to perpetuate cultural values and teach others updated ways to malama iwi kupuna.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 2120 Hawaiian Affairs on Gov. Msg. No. 669

Recommending that the Senate advise and consent to the nomination of the following:

# ISLAND BURIAL COUNCIL, ISLANDS OF MAUI AND LANA'I

G.M. No. 669 DANE MAXWELL, for a term to expire 06-30-2021

Your Committee reviewed the personal history and resume submitted by Dane Maxwell for service on the Island Burial Council, Islands of Maui and Lana'i.

Your Committee received testimony in support of the nomination for the reappointment of Mr. Maxwell from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and one individual.

Mr. Maxwell was born and raised on the island of Maui and attended the University of Hawai'i Maui College which has provided him with an opportunity to gain a firm understanding of various issues on the islands of Maui and Lana'i. Mr. Maxwell is a Cultural Specialist/Monitor at his business, CKM Cultural Resources, where he assists major developers with creating burial treatment plans and cultural impact statements and has gained expertise on the state and federal laws related to these processes. Mr. Maxwell also assists with proper Hawaiian cultural protocol for archaeological and inadvertent iwi finds and is a Cultural Specialist with the Maui Ocean Center. Mr. Maxwell was ordained as a Kahu by his grandfather, Charles Kauluwehi Maxwell, Sr., and also possesses the institutional knowledge of malama iwi passed down by his grandfather.

Mr. Maxwell and his 'ohana carry a legacy of cultural and historic preservation in his moku. Mr. Maxwell attended Hawaiian language immersion school and learned hula at his 'ohana hālau, Pukalani Hula Hale. Mr. Maxwell has been serving on the Island Burial Council, Islands of Maui and Lana'i, for the past five years and leads the Council as its Vice Chair.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 2121 Human Services on Gov. Msg. No. 731

Recommending that the Senate advise and consent to the nomination of the following:

STATE REHABILITATION COUNCIL

G.M. No. 731 RENE BERTHIAUME, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Rene Berthiaume for service on the State Rehabilitation Council.

Your Committee received testimony in support of the nomination for the reappointment of Mr. Berthiaume from the Department of Human Services, Executive Office of Aging, and one individual.

Upon review of the testimony, your Committee finds that Mr. Mr. Berthiaume's background, experience, and commitment to public service qualify him to be nominated to the State Rehabilitation Council as a member representing business, industry, and labor. Mr. Berthiaume is currently a private consultant providing consulting in the areas of human services, housing, special needs housing, and construction. Mr. Berthiaume worked for over thirty years at Network Enterprises Inc., a community rehabilitation program in Honolulu from which he retired from his position as Vice President. Your Committee further finds that Mr. Berthiaume has been and continues to be involved in addressing the housing needs of Hawaii's vulnerable citizens and previously worked in Network Enterprises Inc.'s housing program and served as a board member for the Hawaii Public Housing Authority. Your Committee notes that Mr. Berthiaume also has a long history of working with Hawaii's non-profit agencies in housing, construction, and developing employment opportunities for individuals with disabilities and veterans. Your Committee therefore recommends that Mr. Berthiaume be reappointed to the State Rehabilitation Council based on his experience with community rehabilitation programs and extensive community involvement.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

# SCRep. 2122 Transportation on Gov. Msg. Nos. 692, 693, and 694

Recommending that the Senate advise and consent to the nominations of the following:

#### STATE HIGHWAY SAFETY COUNCIL

G.M. No. 692 CHARLES HIRATA, for a term to expire 06-30-2021;

G.M. No. 693 BYRON FUJIEDA, for a term to expire 06-30-2021; and

G.M. No. 694 THOMAS NOYES, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Charles Hirata, Byron Fujieda, and Thomas Noyes for service on the State Highway Safety Council.

# CHARLES HIRATA

Your Committee received testimony in support of the nomination for the reappointment of Charles Hirata from the Department of Transportation and one individual.

Upon review of the testimony, your Committee finds that Mr. Hirata's extensive experience in law enforcement qualify him for reappointment to the State Highway Safety Council. Your Committee further finds that Mr. Hirata has over 32 years of experience at the Maui Police Department and is currently the Child Passenger Safety Coordinator for Maui County. Mr. Hirata is currently a member of the State Highway Safety Council and has provided his expertise in law enforcement, particularly in traffic enforcement, to the Council and is well versed in traffic safety issues. Your Committee believes that Mr. Hirata will continue to be a great asset for the State Highway Safety Council and provide needed expertise in law enforcement related issues.

# BYRON FUJIEDA

Your Committee received testimony in support of the nomination for the reappointment of Byron Fujieda from the Department of Transportation.

Upon review of the testimony, your Committee finds that Mr. Fujieda's extensive legal background, experience in the public sector, and dedication to traffic safety issues qualify him for reappointment to the State Highway Safety Council. Your Committee further finds that Mr. Fujieda has been with the Maui County Department of the Prosecuting Attorney for over 16 years, equipping him with necessary legal knowledge regarding various matters affecting the State. Mr. Fujieda is involved in anti-underage drinking campaigns and neighborhood watch meetings. As a current member of the State Highway Safety Council, your Committee believes that Mr. Fujieda has gained relevant knowledge of legal issues relating to traffic safety and will continue to provide valuable insight and guidance to the Council regarding such matters.

## THOMAS NOYES

Your Committee received testimony in support of the nomination for the appointment of Thomas Noyes from the Department of Transportation.

Upon review of the testimony, your Committee finds that Mr. Noyes's diverse background serving non-profit organizations and in the private and public sectors qualify him for appointment to the State Highway Safety Council. Mr. Noyes is currently the Executive Director of Kauai Path, Inc., and has experience serving the public as a former Bioterrorism Preparedness Planner IV for the Disease Outbreak Control Division of the Department of Health. Mr. Noyes is very active in the community, having served in several organizations such as the Kauai Trauma Advisory Council, Kauai Medical Reserve Corps, American Red Cross, and many more. Your Committee believes that Mr. Noyes's extensive background in various fields provide him with the foundation to address traffic safety issues and will be a great asset for the State Highway Safety Council.

As affirmed by the records of votes of the members of your Committee on Transportation that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

# SCRep. 2123 Labor, Culture and the Arts on Gov. Msg. No. 708

Recommending that the Senate advise and consent to the nomination of the following:

#### HAWAI'I WORKFORCE DEVELOPMENT COUNCIL

G.M. No. 708 ALAN HAYASHI, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Alan Hayashi for service on the Hawaii Workforce Development Council.

Your Committee received testimony in support of the nomination for the reappointment of Mr. Hayashi from the Department of Taxation, Workforce Development Council, Chamber of Commerce Hawaii, and five individuals.

Your Committee finds that Mr. Hayashi is presently the Principal of Consult 808, a Hawaii based consulting firm specializing in project management, government, and public relations. Previously, Mr. Hayashi served as the Director of Public Relations and Policy Advocacy at BAE Systems Support Solutions for over four years, the Director of Government Relations and Community Relations at BAE Systems Spectral Solutions for over fifteen years, and the Executive Director of the Convention Center Authority for eleven years. Mr. Hayashi has served the community as a member of various boards, including the Hawaii Strategic Development Corporation, Military Affairs Council of the Chamber of Commerce Hawaii, and Army Hawaii Housing Foundation. Mr. Hayashi is currently the Vice Chair for the Workforce Development Council. In Mr. Hayashi's own testimony, he expressed his willingness to enable Hawaii to realize its full economic potential and provide good high paying jobs for its residents. Your Committee finds that Mr. Hayashi's experience as a current member of the Workforce Development Council, his professional background, and his understanding of Hawaii's workforce needs will continue to be assets to the Workforce Development Council.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

### SCRep. 2124 Commerce, Consumer Protection, and Health on Gov. Msg. No. 519

Recommending that the Senate advise and consent to the nomination of the following:

# HEALTH PLANNING COUNCIL, HONOLULU SUBAREA

G.M. No. 519 COLETTE KON, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Colette Kon for service on the Health Planning Council, Honolulu Subarea.

Your Committee received testimony in support of the nomination for the appointment of Colette Kon from the State Health Planning and Development Agency and one individual.

Upon review of the testimony, your Committee finds that Ms. Kon's background and experience qualify her to be nominated for appointment to the Health Planning Council, Honolulu Subarea. Your Committee notes that Ms. Kon has an extensive background in nursing and is an Advanced Practice Registered Nurse with expertise in the geriatric population. Currently, Ms. Kon is the Patient Safety Manager for the Geriatric Extended Care Services at the Veterans Affairs Pacific Island Health Care System and previously served as the Associate Chief Nurse for the facility. Ms. Kon's past positions also include work at Pohai Nani Good Samaritan, Straub Mililani Urgent Care, Palo Alto Medical Clinic, Baystate Medical Center, Applewood at Amherst, and Kuakini Medical Center. Your Committee further finds that Ms. Kon has served as an interim member of the Health Planning Council, Honolulu Subarea since November 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Ms. Kon be appointed to the Health Planning Council, Honolulu Subarea based on her knowledge, experience, and dedication to serving her profession.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2125 Commerce, Consumer Protection, and Health on Gov. Msg. No. 704

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DENTISTRY

G.M. No. 704 SHARON TANAKA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Sharon Tanaka for service on the Board of Dentistry.

Your Committee received testimony in support of the nomination for the reappointment of Sharon Tanaka from the Board of Dentistry and two individuals.

Upon review of the testimony, your Committee finds that Ms. Tanaka's knowledge, background, and proven leadership on the Board of Dentistry qualify her for reappointment to the Board of Dentistry as a public member. Your Committee notes that Ms. Tanaka has over thirty years of experience in the health field, primarily as a social worker for the Department of Health's Community Services for the Developmentally Disabled Branch. Ms. Tanaka currently serves as an operations and management consultant for SET and Associates, Inc. Your Committee further finds that Ms. Tanaka has been a member of the Board of Dentistry since July 2017, and her experience and ability to provide a public perspective continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Ms. Tanaka be reappointed to the Board of Dentistry based on her background, experience, and dedication to serving the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2126 Commerce, Consumer Protection, and Health on Gov. Msg. No. 637

Recommending that the Senate advise and consent to the nomination of the following:

# STATE BOXING COMMISSION OF HAWAII

G.M. No. 637 NANTE MANANGAN, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Nante Manangan for service on the State Boxing Commission of Hawaii.

Your Committee received testimony in support of the nomination for the reappointment of Nante Manangan from the Hawaii State Boxing Commission and two individuals.

Upon review of the testimony, your Committee finds that Mr. Manangan's background, experience, and proven leadership on the State Boxing Commission of Hawaii qualify him for reappointment to the Boxing Commission. Your Committee notes that Mr. Manangan started boxing as a teenager on Molokai in the 1960s and is the Chief Executive Officer of the Southside Boxing Club of Maui, Inc., which he founded in 1996. Mr. Manangan has been actively involved in the sport of boxing for over twenty-five years, including acting as an event promoter and as a coach in Maui for numerous boxers of different skill and age levels. Mr. Manangan is also dedicated to serving his community, especially at-risk youth. Your Committee further finds that Mr. Manangan has been a member of the Boxing Commission since July 2015, and his experience continues to enhance the effectiveness of the Commission. Your Committee therefore recommends that Mr. Manangan be reappointed to the State Boxing Commission of Hawaii based on his background, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 2127 Commerce, Consumer Protection, and Health on Gov. Msg. No. 503

Recommending that the Senate advise and consent to the nomination of the following:

# BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS

G.M. No. 503 CLAYTON PANG, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Clayton Pang for service on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

Your Committee received testimony in support of the nomination for the appointment of Clayton Pang from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; MYM Services, LLC; and Katayama and Associates, Inc.

Upon review of the testimony, your Committee finds that Mr. Pang's background, experience, and dedication to serving the community qualify him for appointment to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects as a professional engineer member. Your Committee notes that Mr. Pang has been a licensed professional engineer in Hawaii since 1976 and is the President and Principal Electrical Engineer of his company Electech Hawaii, Inc., which provides electrical engineering consulting services in Honolulu. Mr. Pang has also been licensed as a Professional Engineer in Guam for over thirty years. Mr. Pang is active in his community, including twenty-six years as a Scoutmaster for Boy Scouts of America, and is a member of several professional organizations, including the Association of Energy Engineers and the National Society of Professional Engineers. Your Committee further finds that Mr. Pang previously served on the Board of Professional Engineers, Architects, Surveyors, and Landscape

Architects from 2009 to 2017, has served as an interim member of the current Board since January 2019, and his electrical engineering experience continues to be an asset to the Board. Your Committee therefore recommends that Mr. Pang be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his background, experience, and commitment to his profession.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2128 Commerce, Consumer Protection, and Health on Gov. Msg. No. 507

Recommending that the Senate advise and consent to the nomination of the following:

# HAWAI'I BOARD OF VETERINARY MEDICINE

G.M. No. 507 CRAIG NISHIMOTO, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Craig Nishimoto for service on the Hawaii Board of Veterinary Medicine.

Your Committee received testimony in support of the nomination for the appointment of Craig Nishimoto from the Hawaii Board of Veterinary Medicine and three individuals.

Upon review of the testimony, your Committee finds that Dr. Nishimoto's knowledge, background, and commitment to public service qualify him for appointment to the Hawaii Board of Veterinary Medicine as a licensee member. Your Committee notes that Dr. Nishimoto has been a licensed veterinarian in Hawaii since 1984 and is the owner of Paradise Animal Clinic in Kalaheo, Kauai. According to testimony received by your Committee, Dr. Nishimoto has extensive experience practicing large animal medicine and surgery and has particular expertise in the treatment of cancers. Dr. Nishimoto is also an active member of his community, including serving as an executive board member of the Rotary Club of Poipu Beach, organizing voluntary veterinary missions to America Samoa and Cambodia, serving as a past President of the Hawaii Veterinary Medical Association, and previously serving on the Hawaii Board of Veterinary Examiners from 1997 to 2001. Your Committee further finds that Dr. Nishimoto has served as an interim member of the Hawaii Board of Veterinary Medicine since June 2018 and his experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Nishimoto be appointed to the Hawaii Board of Veterinary Medicine based on his background, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2129 Commerce, Consumer Protection, and Health on Gov. Msg. No. 533

Recommending that the Senate advise and consent to the nomination of the following:

# POLICY ADVISORY BOARD FOR ELDER AFFAIRS

G.M. No. 533 WILLIAM KINAKA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by William Kinaka for service on the Policy Advisory Board for Elder Affairs.

Your Committee received testimony in support of the nomination for the appointment of William Kinaka from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, and one individual.

Upon review of the testimony, your Committee finds that Mr. Kinaka's background, experience, and commitment to public service qualify him to be nominated for appointment to the Policy Advisory Board for Elder Affairs. Your Committee notes that Mr. Kinaka served for thirty-five years as the legal counsel for Hale Mahaolu Elder Housing Corporation and, since his retirement, has been active on its Board of Directors. Mr. Kinaka also served for over thirty-five years on the Board of Maui Adult Day Care Centers, including approximately twenty years as its President. Your Committee further finds that Mr. Kinaka, now an elder himself, acted as a caregiver for his parents and mother-in-law, and therefore has experience with elder issues from a personal standpoint. Your Committee finds that Mr. Kinaka has served as an interim member on the Policy Advisory Board for Elder Affairs since July 2018 and his legal experience and history as an advocate and supporter of Hawaii's kupuna will continue to be assets to the Board. Therefore, your Committee recommends that Mr. Kinaka be appointed to the Policy Advisory Board for Elder Affairs based on his knowledge, experience, and commitment to Hawaii's kupuna.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

## SCRep. 2130 Commerce, Consumer Protection, and Health on Gov. Msg. No. 636

Recommending that the Senate advise and consent to the nomination of the following:

# MENTAL HEALTH & SUBSTANCE ABUSE, O'AHU SERVICE AREA BOARD

G.M. No. 636 CHERYL GUZIKOWSKI, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Cheryl Guzikowski for service on the Mental Health and Substance Abuse, O'ahu Service Area Board.

Your Committee received testimony in support of the nomination for the appointment of Cheryl Guzikowski from the Department of Health and eight individuals.

Upon review of the testimony, your Committee finds that Dr. Guzikowski's background and experience qualify her to be nominated for appointment to the Mental Health and Substance Abuse, O'ahu Service Area Board. Your Committee notes that Dr. Guzikowski has been working as a pharmacist since 2005 and is a Clinical Coordinator for the Hawaii Homeless Healthcare Hui and was previously the On Call Pharmacist at Queens Development Corporation—Rehabilitation Hospital of the Pacific. Your Committee further finds that Dr. Guzikowski is committed to community service and has volunteered with Hawaii Marine Animal Response and Hawaii Homeless Healthcare Hui. Dr. Guzikowski is a passionate advocate for decreasing stigma associate with mental health treatment, especially as it relates to the homeless population. Your Committee notes that Dr. Guzikowski's experience as a pharmacist has enabled her to turn complex medical terms into more user friendly language for non-medically trained audiences, which will be an asset to the Mental Health and Substance Abuse, O'ahu Service Area Board. Your Committee therefore recommends that Dr. Guzikowski be appointed to the Mental Health and Substance Abuse, O'ahu Service Area Board based on her knowledge, experience, and dedication to community service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2131 Commerce, Consumer Protection, and Health on Gov. Msg. No. 640

Recommending that the Senate advise and consent to the nomination of the following:

# HAWAI'I ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

G.M. No. 640 ANITA CIARLEGLIO, for a term to expire 06-30-2020

Your Committee reviewed the personal history, resume, and statement submitted by Anita Ciarleglio for service on the Hawaii Advisory Commission on Drug Abuse and Controlled Substances.

Your Committee received testimony in support of the nomination for the appointment of Anita Ciarleglio from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Dr. Ciarleglio's background, knowledge, and commitment to public service qualify her to be nominated for appointment to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Your Committee notes that Dr. Ciarleglio is a registered pharmacist and Assistant Professor at the Department of Pharmacy Practice of the University of Hawaii at Hilo, Daniel K. Inouye College of Pharmacy. Dr. Ciarleglio has spent almost twenty years in the pharmacy field and her numerous achievements include being instrumental in coordinating the University of Hawaii at Hilo Daniel K. Inouye College of Pharmacy curriculum, establishing a practice site at Maui Memorial Medical Center in Acute Medicine, developing the first Community Pharmacy Residency Program in Hawaii, and establishing a longitudinal rotation on medication safety in the elderly on Maui. Your Committee further finds that Dr. Ciarleglio's experience working on the neighbor islands, which are under-represented on the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, and her extensive knowledge of pharmacological procedures, will be valuable assets to the Advisory Commission. Your Committee therefore recommends that Dr. Ciarleglio be appointed to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances based on her knowledge, experience, and dedication to fostering her profession.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2132 Commerce, Consumer Protection, and Health on Gov. Msg. No. 679

Recommending that the Senate advise and consent to the nomination of the following:

# BOARD OF DIRECTORS OF THE HAWAI'I HEALTH SYSTEMS CORPORATION

G.M. No. 679 DOUGLASS ADAMS, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Douglass Adams for service on the Board of Directors of the Hawai'i Health Systems Corporation.

Your Committee received testimony in support of the nomination for the appointment of Douglass Adams from the Hawaii Health Systems Corporation Board of Directors, East Hawaii Region of the Hawaii Health Systems Corporation, and five individuals.

Upon review of the testimony, your Committee finds that Mr. Adams' background, knowledge, and commitment to public service qualify him to be nominated for appointment to the Board of Directors of the Hawai'i Health Systems Corporation. Your Committee notes that Mr. Adams is an attorney with an extensive record of public service. Mr. Adams has volunteered with many organizations in Hawaii, including Ku'ikahi Mediation Center, Community First Physical Selection and Subsidy Committee, Steering Committee of the East Hawai'i Regional Health Improvement Collaborative, Sunrise Aloha LLC, and W.H. Shipman, Ltd. Your Committee further finds that Mr. Adams was a member of the Hawai'i Health Systems Corporation East Hawai'i Region's Board of Directors from 2015 through 2018 and is currently the East Hawai'i Region representative to the Corporate Board, where he chairs the Finance and Information Systems Committee and serves on the Audit and Compliance Committee. Your Committee finds that Mr. Adams' legal experience and familiarity with the operations of the Hawai'i Health Systems Corporation will enhance the effectiveness of the Corporate Board. Your Committee therefore recommends that Mr. Adams be appointed to the Board of Directors of the Hawai'i Health Systems Corporation based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2133 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 525, 526, and 527

Recommending that the Senate advise and consent to the nominations of the following:

#### LANGUAGE ACCESS ADVISORY COUNCIL

G.M. No. 525 LYDIA PAVON, for a term to expire 06-30-2020;

G.M. No. 526 SHIRLEY SCHUMACHER, for a term to expire 06-30-2020; and

G.M. No. 527 JADE WONG, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Lydia Pavon, Shirley Schumacher, and Jade Wong for service on the Language Access Advisory Council.

# LYDIA PAVON

Your Committee received testimony in support of the nomination for the appointment of Lydia Pavon from the Office of Language Access

Upon review of the testimony, your Committee finds that Ms. Pavon's background, knowledge, and experience qualify her to be nominated for appointment to the Language Access Advisory Council representing an advocacy organization that provides services to limited English proficient persons. Your Committee notes that Ms. Pavon has been employed at the Domestic Violence Action Center in various roles since 2014, including as a Family Assistance Counselor, Legal Advocate, Program Manager, and currently, as an Advocacy Manager. Through her work at the Domestic Violence Action Center, Ms. Pavon has worked with and advocated for immigrants from all over the world, which has given her firsthand knowledge about the challenges faced by the State's diverse limited English proficient persons. Your Committee also notes that Ms. Pavon is certified by the Hawaii State Judiciary as a court interprete for Ilokano and Tagalog. Your Committee further finds that Ms. Pavon has served as an interim member of the Language Access Advisory Council since July 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Ms. Pavon be appointed to the Language Access Advisory Council based on her knowledge, experience, and advocacy work with limited English proficient persons.

### SHIRLEY SCHUMACHER

Your Committee received testimony in support of the nomination for the appointment of Shirley Schumacher from the Office of Language Access and three individuals.

Upon review of the testimony, your Committee finds that Ms. Schumacher's background and experience qualify her to be nominated for appointment to the Language Access Advisory Council as a representative from Maui County. Your Committee notes that Ms. Schumacher has nearly thirty years of experience in the medical intake field and as a medical interpreter. Ms. Schumacher is currently employed in the Admitting Department of Maui Memorial Medical Center, where she works extensively with patients that have limited English proficiency and consistently advocates for patients and family members needing interpreting and translation. Your Committee notes that Ms. Schumacher is multilingual and speaks Spanish, Tagalog, and Visayan. Your Committee further finds that Ms. Schumacher has served as an interim member of the Language Access Advisory Council since June 2018, has a thorough understanding of the role and responsibilities of council members, and her unique perspective as a resident of a neighbor island will be a valuable asset to the Council. Therefore, your Committee recommends that Ms. Schumacher be appointed to the Language Access Advisory Council based on her knowledge and experience with limited English proficient persons in medical settings.

## JADE WONG

Your Committee received testimony in support of the nomination for the appointment of Jade Wong from the Office of Language Access.

Your Committee finds that Ms. Wong's background and experience qualify her to be nominated for appointment to the Language Access Advisory Council as a representative from the City and County of Honolulu. Your Committee further finds that Ms. Wong is an attorney with a background in immigration law. Ms. Wong is currently a Compliance Officer with 'ike where she manages compliance and department budgets for the 'ike family of companies. Ms. Wong previously worked for the Hawaii Civil Rights Commission and holds a Hawaii State Judiciary Certificate Tier 1 in Spanish. Over the course of her career, Ms. Wong has interpreted for her clients in legal settings such as interviews, meetings, hearings, and immigration proceedings. Your Committee notes that Ms. Wong is an active member of the Hawaii Immigrant Justice Center Advisory Committee and served as president of La Alianza for three years. Your Committee further finds that Ms. Wong's experience with obstacles unique to the legal field presented by lack of language access will be a valuable asset to the Language Access Advisory Council. Your Committee therefore recommends that Ms. Wong be appointed to the Language Access Advisory Council based on her knowledge, experience, and dedication to immigrant advocacy.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

#### SCRep. 2134 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 518 and 520

Recommending that the Senate advise and consent to the nominations of the following:

# HEALTH PLANNING COUNCIL, HONOLULU SUBAREA

G.M. No. 518 KATHERINE DAVIS, for a term to expire 06-30-2020; and

G.M. No. 520 HILARY OKUMURA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Katherine Davis and Hilary Okumura for service on the Health Planning Council, Honolulu Subarea.

#### KATHERINE DAVIS

Your Committee received testimony in support of the nomination for the appointment of Katherine Davis from the State Health Planning and Development Agency, Hawai'i State Center for Nursing, and one individual.

Upon review of the testimony, your Committee finds that Dr. Davis' background, knowledge, and dedication to public service qualify her to be nominated for appointment to the Health Planning Council, Honolulu Subarea. Your Committee notes that Dr. Davis has over twenty-five years of experience as a pediatric nurse, nurse practitioner, and researcher and is experienced across disciplines and health systems. Currently, Dr. Davis is the Director for Community Partnerships at the University of Hawai'i at Mānoa School of Nursing and Dental Hygiene, Associate Director for Evidence-Based Practice at the Hawaii State Center for Nursing, Nurse Researcher for The Queen's Medical Center, and Quality Director for the Hawaii Keiki: Health and Ready to Learn Program with the Department of Education. Your Committee further finds that Dr. Davis has shown remarkable dedication to community service, serving on over seventeen boards and committees, as a peer review editor for multiple publications, and as an interim member of the Health Planning Council, Honolulu Subarea, a position she has held since August 2018. Your Committee therefore recommends that Dr. Davis be appointed to the Health Planning Council, Honolulu Subarea based on her knowledge, experience, and dedication to serving her profession and community.

# HILARY OKUMURA

Your Committee received testimony in support of the nomination for the appointment of Hilary Okumura from the State Health Planning and Development Agency and two individuals.

Upon review of the testimony, your Committee finds that Ms. Okumura's background and knowledge qualify her to be nominated for appointment to the Health Planning Council, Honolulu Subarea. Your Committee further finds that Ms. Okumura has served in the long-term care industry for the past eight years, was the Administrator for Arcadia Home Health Services for three years, and is currently the Administrator for Nuuanu Hale. Your Committee notes that Ms. Okumura also has experience working with Na Pu'uwai Native Hawaiian Health Care System for the islands of Molokai and Lanai and is familiar with issues relating to access to care and the lack of long-term care services on those islands and has volunteered at several agencies to enhance her health management and community-based health programs knowledge. Your Committee finds that Ms. Okumura's experience with long-term care in both rural and urban settings will be an asset to the Council. Therefore, your Committee recommends that Ms. Okumura be appointed to the Health Planning Council, Honolulu Subarea based on her knowledge and experience.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2135 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 537 and 538

Recommending that the Senate advise and consent to the nominations of the following:

# STATE COUNCIL ON MENTAL HEALTH

G.M. No. 537 CANDICE KIRBY, for a term to expire 06-30-2022; and

G.M. No. 538 CHRISTOPHER KNIGHTSBRIDGE, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Candice Kirby and Christopher Knightsbridge for service on the State Council on Mental Health.

#### CANDICE KIRBY

Your Committee received testimony in support of the nomination for the appointment of Candice Kirby from the Department of Health.

Your Committee finds that Ms. Kirby's background, knowledge, and experience qualify her to be nominated for appointment to the State Council on Mental Health representing families of children with serious emotional disturbance. Your Committee notes that Ms. Kirby is a social worker with more than ten years of experience working with youth and families, including as a Child Welfare Resource Specialist, Community Outreach Case Manager, Family Preservation Specialist, and School Based Counselor. Currently, Ms. Kirby is a Parent Partner with Ohana Support Services where she works closely with youth and families affiliated with the Child and Adolescent Mental Health Division in Kailua-Kona to provide assistance and referrals to appropriate community resources. Your Committee finds that Ms. Kirby's experience as a family member of someone diagnosed with a mental health concern and her professional experience with the mental health community in West Hawaii will bring a valuable perspective to the State Council on Mental Health. Your Committee further finds that Ms. Kirby has served as an interim member of the State Council on Mental Health since July 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Ms. Kirby be appointed to the State Council on Mental Health based on her knowledge and experience.

# CHRISTOPHER KNIGHTSBRIDGE

Your Committee received testimony in support of the nomination for the appointment of Christopher Knightsbridge from the Department of Health and one individual.

Your Committee finds that Mr. Knightsbridge's background, experience, and advocacy work qualify him to be nominated for appointment to the State Council on Mental Health representing adults with serious mental illnesses who are receiving, or have received, mental health services. Your Committee notes that Mr. Knightsbridge served in the Air Force, spent time teaching English in South Korea, Thailand, and Japan, and earned a Master's degree in Clinical Psychology. Currently, Mr. Knightsbridge is a doctoral candidate in clinical psychology. Your Committee notes the eloquence with which Mr. Knightsbridge conveys his and his families' struggle with mental illness and homelessness and finds that Mr. Knightsbridge's communication skills and social media advocacy experience, along with a unique perspective that has been shaped by his personal experiences, will be assets to the State Council on Mental Health. Your Committee further finds that Mr. Knightsbridge has served as an interim member of the State Council on Mental Health since September 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Mr. Knightsbridge be appointed to the State Council on Mental Health based on his knowledge, experience, and dedication to mental health advocacy.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

# SCRep. 2136 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 504, 505, and 506

Recommending that the Senate advise and consent to the nominations of the following:

# HAWAI'I BOARD OF OPTOMETRY

G.M. No. 504 KENNETH CHIN, for a term to expire 06-30-2022;

G.M. No. 505 SCOTT KUBOTA, for a term to expire 06-30-2019; and

G.M. No. 506 SCOTT KUBOTA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kenneth Chin and Scott Kubota for service on the Hawaii Board of Optometry.

# KENNETH CHIN

Your Committee received testimony in support of the nomination for the appointment of Kenneth Chin from the Hawaii Board of Optometry.

Upon review of the testimony, your Committee finds that Dr. Chin's background, experience, and commitment to serving his community qualify him for appointment to the Hawaii Board of Optometry as an optometrist member. Your Committee notes that Dr. Chin is an optometrist in private practice and has been licensed in Hawaii since 1990. Your Committee further finds that Dr. Chin has served as an interim member of the Hawaii Board of Optometry since July 2018 and his extensive experience continues to be an asset to the Board. According to testimony received by your Committee, Dr. Chin is very familiar with the Hawaii Board of Optometry's responsibilities and tasks, including granting licenses and disciplining licensees, establishing and amending the Board's administrative rules, and enforcing provisions governing the practice of optometry in the State. Your Committee therefore recommends that Dr. Chin be appointed to the Hawaii Board of Optometry based on his background, experience, and dedication to public service.

#### SCOTT KUBOTA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Scott Kubota from the Hawaii Board of Optometry, Hawaii Optometric Association, and one individual.

Upon review of the testimony, your Committee finds that Mr. Kubota's professional experience, background, and desire to serve his community qualify him for consideration for appointment and reappointment to the Hawaii Board of Optometry as a public member. Your Committee notes that Mr. Kubota has been a litigation attorney for over thirty-five years. Mr. Kubota is also an active member in professional and community organizations, including serving as the past president of Hawaii Kai Youth Baseball, Inc. Your Committee further finds that Mr. Kubota has served as an interim member of the Hawaii Board of Optometry since July 2018 and his ability to provide a perspective from the public's point of view and advocate for consumer safety, continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Kubota be appointed and reappointed to the Hawaii Board of Optometry based on his background, knowledge, and desire to contribute to the community.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2137 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 592 and 593

Recommending that the Senate advise and consent to the nominations of the following:

#### BOARD OF PHYSICAL THERAPY

G.M. No. 592 CYNTHIA TAMAYO, for a term to expire 06-30-2023; and

G.M. No. 593 MICHAEL TURNER, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Cynthia Tamayo and Michael Turner for service on the Board of Physical Therapy.

#### CYNTHIA TAMAYO

Your Committee received testimony in support of the nomination for the appointment of Cynthia Tamayo from the Department of Commerce and Consumer Affairs, Hawaii Chapter of the American Physical Therapy Association, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Tamayo's background, experience, and prior leadership on the Board of Physical Therapy qualify her for appointment to the Board of Physical Therapy as a physical therapist member. Your Committee notes that Ms. Tamayo has been a practicing physical therapist for over thirty-five years and is the Rehabilitation Department Manager for Shriners Hospital for Children, a position she has held since 2001. Your Committee also notes that Ms. Tamayo presently serves as Chair of the Ethics Committee for the Hawaii Chapter of the American Physical Therapy Association and has a demonstrated commitment to advancing the physical therapy profession. Your Committee further finds that Ms. Tamayo has a thorough understanding of the role and responsibilities of board members by virtue of her previous two-term experience on the Board of Physical Therapy, including two years as Chair. Your Committee therefore recommends that Ms. Tamayo be appointed to the Board of Physical Therapy based on her knowledge, experience, and commitment to serving the public.

#### MICHAEL TURNER

Your Committee received testimony in support of the nomination for the reappointment of Michael Turner from the Board of Physical Therapy, Hawaii Chapter of the American Physical Therapy Association, and two individuals.

Upon review of the testimony, your Committee finds that Dr. Turner's background, experience, and proven leadership on the Board of Physical Therapy qualify him for reappointment to the Board of Physical Therapy as a physical therapist member. Your Committee notes that Dr. Turner has been a practicing physical therapist for over twenty-five years, received his Doctor of Physical Therapy in 2012, and is the owner, manager, and practicing primary physical therapist for his private group practice, OrthoSport Hawaii. Dr. Turner has been a member of the Board of Physical Therapy for at least ten years, served as the former Vice President of the Colorado Chapter of the American Physical Therapy Association, and served on the legislative committee for the Hawaii Chapter of the American Physical Therapy Association. Your Committee further finds that Dr. Turner has been a member of the Board of Physical Therapy since July 2015, and his experience and background continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Turner be reappointed to the Board of Physical Therapy based on his knowledge and commitment to his profession.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2138 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 656 and 657

Recommending that the Senate advise and consent to the nominations of the following:

### STATE BOARD OF PUBLIC ACCOUNTANCY

G.M. No. 656 JOHN ROBERTS, for a term to expire 06-30-2023; and

G.M. No. 657 TERRENCE ARATANI, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by John Roberts and Terrence Aratani for service on the State Board of Public Accountancy.

#### JOHN ROBERTS

Your Committee received testimony in support of the nomination for the reappointment of John Roberts from the Board of Public Accountancy; Hawaii Association of Public Accountants; Matsumoto Group; Isaac W. Choy, CPA, Inc.; and one individual.

Upon review of the testimony, your Committee finds that Mr. Roberts' background, knowledge, and proven leadership on the State Board of Public Accountancy qualify him to be nominated for reappointment to the State Board of Public Accountancy as a licensed and actively practicing Certified Public Accountant member. Your Committee notes that Mr. Roberts has been a Certified Public Accountant for over twenty-five years with a wide variety of public accounting experience for a broad range of clients and in a number of industries and is currently a Principal of Niwao and Roberts, CPAs, a Professional Corporation, in Wailuku, Maui. Mr. Roberts is committed to public service and has been an active member of several community and professional organizations, including serving on the State of Hawaii Tax Review Commission and as the former President of the Hawaii Association of Public Accountants. Your Committee further finds that Mr. Roberts has been a member of the State Board of Public Accountancy since July 2016 and his extensive experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Roberts be reappointed to the State Board of Public Accountancy based on his knowledge, experience, and commitment to public service.

#### TERRENCE ARATANI

Your Committee received testimony in support of the nomination for the reappointment of Terrence Aratani from the Board of Public Accountancy; Hawaii Association of Public Accountants; Hawai'i Primary Care Association; Niwao and Roberts, CPAs, a Professional Corporation; Honolulu Community Action Program, Inc.; and one individual.

Upon review of the testimony, your Committee finds that Mr. Aratani's background, experience, and proven leadership on the State Board of Public Accountancy qualify him to be nominated for reappointment to the State Board of Public Accountancy as a public member. Your Committee notes that Mr. Aratani is an attorney and the current Chief Executive Officer for Koʻolauloa Health Center and previously spent a number of years working in state government. Mr. Aratani served in the Hawaii State Senate in a variety of roles, including Staff Attorney, Committee Clerk, Legislative Aide, and finally, Chief of Staff for the Office of the Senate President. Mr. Aratani is dedicated to public service and has extensive experience serving on various boards, including Chairman of Liahona Youth Empowerment and Board Secretary for the Hawaii State Federal Credit Union. Your Committee further finds that Mr. Aratani has been a member of the State Board of Public Accountancy since July 2016, currently serves as the Board's Legislation and Rules Committee Chair, and his knowledge and insight continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Aratani be reappointed to the State Board of Public Accountancy based on his experience and dedication to community service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2139 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 658 and 659

Recommending that the Senate advise and consent to the nominations of the following:

# BOARD OF PHARMACY

G.M. No. 658 SHERI TOKUMARU, for a term to expire 06-30-2020; and

G.M. No. 659 CATALINA CROSS, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Sheri Tokumaru and Catalina Cross for service on the Board of Pharmacy.

# SHERI TOKUMARU

Your Committee received testimony in support of the nomination for the appointment of Sheri Tokumaru from the Department of Commerce and Consumer Affairs; University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy; The Queen's Medical Center; and one individual.

Upon review of the testimony, your Committee finds that Dr. Tokumaru's knowledge, experience, and commitment to public service qualify her to be nominated for appointment to the Board of Pharmacy as a licensee member. Your Committee notes that Dr. Tokumaru has more than twenty years of experience in the field of pharmacy on the mainland and in Hawaii, holds active pharmacist licenses in both Hawaii and California, and is a board-certified Critical Care Specialist. Dr. Tokumaru is the current Director of Interprofessional Education and Development at the University of Hawaii at Hilo, Daniel K. Inouye College of Pharmacy, the Residency Program Director at The Queen's Medical Center, and an Associate Professor/Clinical Pharmacist in the Neurosciences Intensive Care Unit at The Queen's Medical Center. Dr. Tokumaru is also active in numerous national and local professional organizations. Your Committee further finds that Dr. Tokumaru has a thorough understanding of the role and responsibilities of board members and her experience as an advanced practice critical care pharmacist will be an asset to the Board of Pharmacy. Your Committee therefore recommends that Dr. Tokumaru be appointed to the Board of Pharmacy based on her experience, knowledge, and dedication to serving her community.

# **CATALINA CROSS**

Your Committee received testimony in support of the nomination for the appointment of Catalina Cross from the Department of Commerce and Consumer Affairs; Department of Health; University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy; The Queen's Health Systems; SanHi Government Strategies, LLLP; and two individuals.

Upon review of the testimony, your Committee finds that Dr. Cross's experience, knowledge, and dedication to community service qualify her to be nominated for appointment to the Board of Pharmacy as a public member. Your Committee notes that Dr. Cross has nearly twenty-five years of experience in sales and management and is the current Director of Pharmacy/HIPAA Privacy Officer for Times Supermarket, where she manages the operations of its thirteen pharmacies. Dr. Cross also teaches an online pharmacy leadership course for the University of Hawaii at Hilo, Daniel K. Inouye College of Pharmacy. Dr. Cross is actively involved with her community, including volunteering with the American Diabetes Association; is a member of the Health Care Compliance Association and the College of Pharmacy's Dean's Council; and serves as co-chair for the Maui Community Partner Health Coalition. Your Committee further finds that Dr. Cross has a thorough understanding of the role and responsibilities of board members and her professional experience will be an asset to the Board of Pharmacy. Your Committee therefore recommends that Dr. Cross be appointed to the Board of Pharmacy based on her experience, background, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2140 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 626 and 627

Recommending that the Senate advise and consent to the nominations of the following:

# ELEVATOR MECHANICS LICENSING BOARD

G.M. No. 626 ROBERT GREIG, for a term to expire 06-30-2019; and

G.M. No. 627 ROBERT GREIG, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Robert Greig for service on the Elevator Mechanics Licensing Board.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Robert Greig from the Department of Commerce and Consumer Affairs; International Union of Elevator Constructors, Local Union No. 126, AFL-CIO; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Greig's background and desire to serve the community qualify him to be nominated for appointment and reappointment to the Elevator Mechanics Licensing Board as a licensee member. Your Committee notes that Mr. Greig has been a licensed elevator mechanic for ten years and currently works at KONE, Inc., a position he has held since 2012. Prior to that, Mr. Greig worked as a mechanic at Otis Elevator, where he serviced and maintained elevators and escalators at the Daniel K. Inouye International Airport. Mr. Greig is also the Vice President of the International Union of Elevator Constructors, Local 126 and an instructor at the National Elevator Industry Education Program, where he helps new apprentices learn the elevator trade. Mr. Greig is active in his community, including serving at church events that benefit the homeless. Your Committee further finds that Mr. Greig has a thorough understanding of the role and responsibilities of board members and is familiar with the issues and concerns facing his industry. Your Committee therefore recommends that Mr. Greig be appointed and reappointed to the Elevator Mechanics Licensing Board based on his background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2141 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 614, 616, and 619

Recommending that the Senate advise and consent to the nominations of the following:

# HAWAI'I MEDICAL BOARD

G.M. No. 614 PETER HALFORD, for a term to expire 06-30-2022;

G.M. No. 616 MICHAEL JAFFE, for a term to expire 06-30-2023; and

G.M. No. 619 DARREN EGAMI, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Peter Halford, Michael Jaffe, and Darren Egami for service on the Hawaii Medical Board.

## PETER HALFORD

Your Committee received testimony in support of the nomination for the reappointment of Peter Halford from the Hawaii Medical Board, The Queen's Health Systems, University of Hawaii John A. Burns School of Medicine, and two individuals.

Upon review of the testimony, your Committee finds that Dr. Halford's background, experience, and proven leadership on the Hawaii Medical Board qualify him for reappointment to the Hawaii Medical Board as a surgeon member. Your Committee notes that Dr. Halford has been licensed in Hawaii since 1972 and is a board-certified surgeon. Dr. Halford has held a number of positions with The Queen's Medical Center, including Vice-Chief and Chief of Staff, and currently serves as chairperson for the Credentials Committee, which requires him to be familiar with the license requirements and scope of practice for physicians. Dr. Halford has also been on faculty at the University of Hawaii John A. Burns School of Medicine for twenty-five years, where he currently serves as the Director of Surgical Education. Your Committee further finds that Dr. Halford has been a member of the Hawaii Medical Board since July 2014, and his professional experience and background in credentialing and peer review continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Halford be reappointed to the Hawaii Medical Board based on his background and commitment to public service.

# MICHAEL JAFFE

Your Committee received testimony in support of the nomination for the appointment of Michael Jaffe from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Dr. Jaffe's background, experience, and dedication to the community qualify him for appointment to the Hawaii Medical Board as an osteopathic physician member. Your Committee notes that Dr. Jaffe is semi-retired after twenty-one years of practice at Kaiser Permanente San Diego, is board-certified by the American College of Physical Medicine and Rehabilitation, and has been licensed in Hawaii since June 2017. Dr. Jaffe is an osteopathic physician who specializes in physical medicine, rehabilitation, and pain management and is currently in private practice at Hawaii Brain and Spine. Dr. Jaffe also regularly performs lectures at the University of Hawaii John A. Burns School of Medicine and local hospitals concerning safe opiate prescribing practices. Dr. Jaffe is also actively engaged in his community, including serving as a Cub Scout leader in Kailua. Your Committee further finds that Dr. Jaffe has a thorough understanding of the role and responsibilities of board members and his experience and insights will be assets to the Hawaii Medical Board. Your Committee therefore recommends that Dr. Jaffe be appointed to the Hawaii Medical Board based on his knowledge and commitment to public service.

#### DARREN EGAMI

Your Committee received testimony in support of the nomination for the reappointment of Darren Egami from the Hawaii Medical Board and Urgent Care West Maui.

Upon review of the testimony, your Committee finds that Dr. Egami's experience, background, and proven leadership on the Hawaii Medical Board qualify him for reappointment to the Hawaii Medical Board as a physician member. Your Committee notes that Dr. Egami is a board-certified orthopedic surgeon with a subspecialty certification in sports medicine, who is in private practice on Maui and has been licensed in Hawaii since 1994. Dr. Egami previously served as Medical Staff President of the Aloha Surgery Center for twelve years, and prior to that, served as Chief of Staff at Maui Memorial Medical Center. Dr. Egami is also actively involved in his professional organizations, including serving as the former President of the Maui County Medical Society and the Hawaii Orthopaedic Association. Your Committee further finds that Dr. Egami has been a member of the Hawaii Medical Board since November 2014, and his insight and experience as a neighbor island surgeon specializing in orthopedics continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Egmai be reappointed to the Hawaii Medical Board based on his background and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2142 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 673 and 674

Recommending that the Senate advise and consent to the nominations of the following:

# STATEWIDE HEALTH COORDINATING COUNCIL

G.M. No. 673 COLETTE MASUNAGA, for a term to expire 06-30-2022; and

G.M. No. 674 HILARY OKUMURA, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Colette Masunaga and Hilary Okumura for service on the Statewide Health Coordinating Council.

# **COLETTE MASUNAGA**

Your Committee received testimony in support of the nomination for the appointment of Colette Masunaga from the State Health Planning and Development Agency, The Queen's Health Systems, Healthcare Association of Hawaii, and eight individuals.

Upon review of the testimony, your Committee finds that Ms. Masunaga's background, experience, and commitment to public service qualify her to be nominated for appointment to the Statewide Health Coordinating Council. Your Committee notes that Ms. Masunaga is currently a Legislative Analyst with The Queen's Health Systems, Government Relations and External Affairs, where she manages city, county, state, and federal issues related to health care policy and regulation for The Queen's Health Systems. Ms. Masunaga previously worked in Washington, D.C. as a Legislative Analyst for the late Congressman Mark Takai, where she

focused on policy issues including health care and senior services. Your Committee further finds that Ms. Masunaga's experience with health care policy issues at the federal and state level will provide a valuable point of view to the Statewide Health Coordinating Council and therefore recommends that Ms. Masunaga be appointed to the Statewide Health Coordinating Council based on her knowledge and experience.

#### HILARY OKUMURA

Your Committee received testimony in support of the nomination for the appointment of Hilary Okumura from the State Health Planning and Development Agency and three individuals. Your Committee received testimony in opposition to the nomination for the appointment of Hilary Okumura from one individual.

Upon review of the testimony, your Committee finds that Ms. Okumura's background and experience qualify her to be nominated for appointment to the Statewide Health Coordinating Council. Your Committee notes that Ms. Okumura has been in the long-term care industry for the past eight years and is currently the Administrator for Nuuanu Hale. Ms. Okumura is active in the community and has volunteered with the Hawaii State Office of Health Care Assurance, Kidney Health and Diabetes Management Program, and Kapiolani Medical Center for Women and Children. Your Committee further finds that Ms. Okumura also worked with Na Pu'uwai Native Hawaiian Health Care System for the islands of Molokai and Lanai and her familiarity with issues relating to access to care on those islands will provide valuable insight to the Statewide Health Coordinating Council. Your Committee therefore recommends that Ms. Okumura be appointed to the Statewide Health Coordinating Council based on her experience, knowledge, and dedication to the long-term care industry.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2143 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 660 and 662

Recommending that the Senate advise and consent to the nominations of the following:

# STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

G.M. No. 660 MARY BROGAN, for a term to expire 06-30-2023; and

G.M. No. 662 JOSHUA IGE, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Mary Brogan and Joshua Ige for service on the State Council on Developmental Disabilities.

### MARY BROGAN

Your Committee received testimony in support of the nomination for the reappointment of Mary Brogan from the Department of Human Services, State Council on Developmental Disabilities, Executive Office on Aging, Special Parent Information Network, Easterseals Hawaii, The Arc of Kona, Full Life, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Brogan's background, knowledge, and experience qualify her to be nominated for reappointment to the State Council on Developmental Disabilities as a representative of the Department of Health. Your Committee notes that Ms. Brogan has worked in the disabilities field for over twenty years and is currently the Administrator of the Developmental Disabilities Division of the Department of Health, where she leads the statewide system of supports and services for persons with intellectual and developmental disabilities. Ms. Brogan is also heavily involved with the Executive Office on Aging's No Wrong Door Initiative and the National Association of State Developmental Disabilities Directors. Your Committee finds that Ms. Brogan has been a member of the State Council on Developmental Disabilities since 2018 and her extensive experience serving children and families in the State continues to enhance the effectiveness of the Council and therefore recommends that Ms. Brogan be reappointed to the Council based on her knowledge, experience, and commitment to public service.

### JOSHUA IGE

Your Committee received testimony in support of the nomination for the appointment of Joshua Ige from the State Council on Developmental Disabilities, Hawaii Self Advocacy Advisory Council, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Ige's background, experience, and commitment to public service qualify him to be nominated for appointment to the State Council on Developmental Disabilities representing individuals with developmental disabilities. Your Committee notes that Mr. Ige is a self-advocate who chairs the Lanai Chapter of the Hawaii Self-Advocacy Advisory Council, where he provides leadership and is a role model for other self-advocates and is actively involved with the Council's annual Day at the Capitol. Your Committee further finds that Mr. Ige is extremely active in his community and volunteers with several ongoing events at the Lanai Baptist Church, including Vacation Bible School, Wednesday Morning Breakfast, and Community Christmas Luncheon. Your Committee finds that Mr. Ige's personal experience, strong commitment to the community, and passion for helping others will be valuable assets to the State Council on Developmental Disabilities and therefore recommends that Mr. Ige be appointed to the State Council on Developmental Disabilities.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2144 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 643, 644, 645, and 663

Recommending that the Senate advise and consent to the nominations of the following:

#### DISABILITY AND COMMUNICATION ACCESS BOARD

G.M. No. 643 JUSTIN TOKIOKA, for a term to expire 06-30-2023;

G.M. No. 644 PAULINE AUGHE, for a term to expire 06-30-2023;

G.M. No. 645 SCOTT FLEMING, for a term to expire 06-30-2023; and

G.M. No. 663 GERALD ISOBE, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Justin Tokioka, Pauline Aughe, Scott Fleming, and Gerald Isobe for service on the Disability and Communication Access Board.

#### JUSTIN TOKIOKA

Your Committee received testimony in support of the nomination for the reappointment of Justin Tokioka from the Disability and Communication Access Board and one individual.

Upon review of the testimony, your Committee finds that Mr. Tokioka's background, experience, and proven experience on the Disability and Communication Access Board qualify him to be nominated for reappointment to the Disability and Communication Access Board in the capacity of an individual with a disability and as a representative of the County of Kauai. Your Committee notes that Mr. Tokioka graduated with a degree in finance from the University of Hawaii at Manoa and is very active in the sport of golf. Mr. Tokioka was a member of the 2016 World Deaf Golf Team USA and is currently working toward certification as a PGA Club Professional. Your Committee further finds that Mr. Tokioka is fluent in American Sign Language and has been on the Disability and Communication Access Board for one year, where he has joined the Standing Committee on Communication Access and supported the Committee's efforts to amend the Board's administrative rules and develop a credentialing system and fee schedule for American Sign Language interpreters. Your Committee finds that the insight Mr. Tokioka offers as a resident of a neighbor island and a member of the deaf community will be an asset to the Board and therefore recommends that Mr. Tokioka be reappointed to the Disability and Communication Access Board.

#### PAULINE AUGHE

Your Committee received testimony in support of the nomination for the reappointment of Pauline Aughe from the Disability and Communication Access Board, Full Life, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Aughe's background, knowledge, and proven experience on the Disability and Communication Access Board qualify her to be nominated for reappointment to the Disability and Communication Access Board in the capacity of an individual with a disability and as a representative from the County of Hawaii. Your Committee notes that Ms. Aughe worked as a Disability Program Navigator before founding Pauline Victoria, LLC/One Leg Up Productions, LLC, to spread the message of hope and possibility. Ms. Aughe is also dedicated to public service and has volunteered with multiple organizations, including Full Life, Aloha Independent Living Hawaii, Assistive Technology Resource Center, and Hawaii County Mayor's Committee for People with Disabilities. Your Committee further finds that Ms. Aughe has been a member of the Disability and Communication Access Board since 2013 and her personal and professional experience and her efforts to increase public awareness of disability-related issues on Hawaii island continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Ms. Aughe be reappointed to the Disability and Communication Access Board based on her knowledge, experience, and commitment to public service.

#### SCOTT FLEMING

Your Committee received testimony in support of the nomination for the reappointment of Scott Fleming from the Disability and Communication Access Board, Engineering Partners, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Fleming's background, knowledge, and proven experience on the Disability and Communication Access Board qualify him to be nominated for reappointment to the Disability and Communication Access Board in the capacity of a representative of the County of Hawaii. Your Committee notes that Mr. Fleming is an architect with over twenty years of experience and has worked on multiple projects for public sector clients obligated to comply with the requirements of the Americans With Disabilities Act. Your Committee finds that during the past year, Mr. Fleming has been a member of the Disability and Communication Access Board since 2017 and serves on the Board's Standing Committee on Facility Access, where he offers insights based on his years of experience with the Americans with Disabilities Act Accessibility Guidelines and state law review requirements for accessible buildings. Your Committee finds that Mr. Fleming's experience continues to enhance the effectiveness of the Board and therefore recommends that Mr. Fleming be reappointed to the Disability and Communication Access Board based on his technical knowledge, experience, and commitment to public service.

# GERALD ISOBE

Your Committee received testimony in support of the nomination for the appointment of Gerald Isobe from the Disability and Communication Access Board and three individuals.

Upon review of the testimony, your Committee finds that Mr. Isobe's background, experience, and commitment to public service qualify him to be nominated for appointment to the Disability and Communication Access Board in the capacity of an individual with a disability. Your Committee notes that Mr. Isobe has nearly forty years of experience as an accountant with the federal government and

is currently a Senior Financial Management Analyst at the Naval Health Clinic Hawaii. Mr. Isobe is also dedicated to community service and has served as a board member, treasurer, and fundraiser for the Hawaii Service on Deafness and the Aloha State Association, and also serves as the treasurer for the Georgia Morikawa organization. Your Committee further finds that Mr. Isobe is known in Hawaii's deaf and hard of hearing community for bringing forward new technological advances in speech to text technology and for developing an app to facilitate communication between a hearing and a non-hearing person. Your Committee finds that Mr. Isobe's experience, commitment to technological innovation, and dedication to public service will be assets to the Disability and Communication Access Board and therefore recommends Mr. Isobe's appointment to the Disability and Communication Access Board.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2145 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 523, 524, 675, and 676

Recommending that the Senate advise and consent to the nominations of the following:

# LANGUAGE ACCESS ADVISORY COUNCIL

- G.M. No. 523 CHARLOTTE HUANG, for a term to expire 06-30-2019;
- G.M. No. 524 CHARLOTTE HUANG, for a term to expire 06-30-2023;
- G.M. No. 675 VALENTINA YAROVAYA, for a term to expire 06-30-2020; and
- G.M. No. 676 LINDA NULAND-AMES, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Charlotte Huang, Valentina Yarovaya, and Linda Nuland-Ames for service on the Language Access Advisory Council.

#### **CHARLOTTE HUANG**

Your Committee received testimony in support of the nomination for the appointment and reappointment of Charlotte Huang from the Office of Language Access and two individuals.

Upon review of the testimony, your Committee finds that Ms. Huang's background, knowledge, and commitment to public service qualify her to be nominated for appointment and reappointment to the Language Access Advisory Council. Your Committee notes that Ms. Huang has over fifteen years of experience working with limited English proficient populations as an employee with Child and Family Service and is currently a bilingual case manager for the Service's Employment Program for Immigrants and Refugees. In this capacity, Ms. Huang helps immigrant families and their children assimilate into the community and assists them with immigration issues, finding employment, and utilizing community services. Your Committee further finds that Ms. Huang has firsthand experience living in Hawaii as a limited English proficient person and is fluent in Cantonese and Mandarin. Your Committee finds that Ms. Huang has served as an interim member of the Language Access Advisory Council since July 2018 and has a thorough understanding of the role and responsibilities of council members. Your Committee therefore recommends that Ms. Huang be appointed and reappointed to the Language Access Advisory Council based on her knowledge, experience, and dedication to serving the immigrant community of Hawaii.

# VALENTINA YAROVAYA

Your Committee received testimony in support of the nomination for the appointment of Valentina Yarovaya from the Office of Language Access and two individuals.

Upon review of the testimony, your Committee finds that Ms. Yarovaya's background and experience qualify her to be nominated for appointment to the Language Access Advisory Council. Your Committee notes that Ms. Yarovaya is multilingual in Russian and American Sign Language and has twenty-five years of experience as a bilingual and special education teacher in Hawaii and New York. Ms. Yarovaya recently retired from her position as a Special Education Teacher at Stevenson Middle School where she taught total communication classes for deaf and hard of hearing students as well as special education students. While a teacher in New York, Ms. Yarovaya was also actively involved with educating and empowering parents who were immigrants, refugees, and low income residents. Your Committee further finds that Ms. Yarovaya's experience working with limited English proficient populations and children and adults with different special needs will be an asset to the Language Access Advisory Council. Your Committee therefore recommends that Ms. Yarovaya be appointed to the Language Access Advisory Council based on her knowledge, experience, and dedication to public service.

# LINDA NULAND-AMES

Your Committee received testimony in support of the nomination for the reappointment of Linda Nuland-Ames from the Office of Language Access and two individuals.

Upon review of the testimony, your Committee finds that Ms. Nuland-Ames' background, experience, and commitment to public service qualify her to be nominated for reappointment to the Language Access Advisory Council. Your Committee notes that Ms. Nuland-Ames is a long-time resident of Kauai and is employed as the Equal Employment Opportunity Act and Americans With Disabilities Act Coordinator for the County of Kauai, where she trains County of Kauai employees on language access awareness. Ms. Nuland-Ames' previous professional experience includes five years as a staff attorney with the Hawai'i Disability Rights Center and consulting work with the County of Kauai on Americans With Disabilities Act issues. Your Committee further finds that Ms. Nuland-Ames is dedicated to public service and has chaired the Kauai Community Children's Council and Mayor's Advisory

Committee for Equal Access. Your Committee notes that Ms. Nuland-Ames has served on the Language Access Advisory Council since 2016 and her experiences as a lawyer and mediator continue to enhance the effectiveness of the Council. Your Committee therefore recommends that Ms. Nuland-Ames be reappointed to the Language Access Advisory Council based on her knowledge, experience, and commitment to serving her community.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2146 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 585 and 587

Recommending that the Senate advise and consent to the nominations of the following:

# BOARD OF CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS

G.M. No. 585 GLENN AH YAT, for a term to expire 06-30-2023; and

G.M. No. 587 GUY MORIGUCHI, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Glenn Ah Yat and Guy Moriguchi for service on the Board of Certification of Public Water System Operators.

#### GLEN AH YAT

Your Committee received testimony in support of the nomination for the reappointment of Glenn Ah Yat from the Department of Health and City and County of Honolulu Board of Water Supply.

Upon review of the testimony, your Committee finds that Mr. Ah Yat's background and knowledge qualify him to be nominated for reappointment to the Board of Certification of Public Water System Operators. Your Committee notes that Mr. Ah Yat has twenty-seven years of experience with the Honolulu Board of Water Supply where he started as a pipe fitter trades apprentice and worked his way up to his current position as Water Service Supervisor IV. In his capacity as Water Service Supervisor IV, Mr. Ah Yat oversees the operation and maintenance of the water distribution system in suburban areas of Oahu and prepares the operating budget for suburban field services. Mr. Ah Yat is also an active member of his union, the Hawaii Government Employees Association, and serves as the Vice Chair of the Oahu Island Division, Unit 2 and Unit Director of the Board of Directors for Unit 2. Mr. Ah Yat possesses a Distribution System Operator Certification Level 4, the highest level, has been a member of the Board of Certification of Public Water System Operators since 2015, and his extensive operational experience in the field of large water distribution systems continues to be an asset for the Board. Your Committee therefore recommends that Mr. Ah Yat be reappointed to the Board of Certification of Public Water System Operators based on his knowledge, experience, and commitment to serving his profession.

## **GUY MORIGUCHI**

Your Committee received testimony in support of the nomination for the appointment of Guy Moriguchi from the Department of Health, County of Kaua'i Department of Water, and one individual.

Upon review of the testimony, your Committee finds that Mr. Moriguchi's background, knowledge, and prior experience on the Board of Certification of Public Water System Operators qualify him to be nominated for appointment to the Board of Certification of Public Water System Operators. Your Committee notes that Mr. Moriguchi has over twenty-five years of operational experience in water treatment and distribution. Currently, he works for Aqua Engineers, Inc. as an Operations Manager, where he oversees water and wastewater operations on Kauai. Mr. Moriguchi holds certifications as a Grade 2 Water Treatment Plant Operator, a Grade 2 Water Distribution Operator, and a Grade 4 Wastewater Treatment Plant Operator. Your Committee further finds that Mr. Moriguchi previously served on the Board of Certification of Public Water System Operators from 2004 to 2014 and his extensive experience in the fields of water treatment, water distribution, and wastewater treatment will once again be assets to the Board. Your Committee therefore recommends that Mr. Moriguchi be appointed to the Board of Certification of Public Water System Operators based on his knowledge, experience, and commitment to serving his community.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2147 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 629, 630, and 631

Recommending that the Senate advise and consent to the nominations of the following:

# MENTAL HEALTH & SUBSTANCE ABUSE, MAUI SERVICE AREA BOARD

G.M. No. 629 DANIELLE BERGAN, for a term to expire 06-30-2023;

G.M. No. 630 BRIAN HAUSER, for a term to expire 06-30-2019; and

G.M. No. 631 BRIAN HAUSER, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Danielle Bergan and Brian Hauser for service on the Mental Health and Substance Abuse, Maui Service Area Board.

#### DANIELLE BERGAN

Your Committee received testimony in support of the nomination for the reappointment of Danielle Bergan from the Department of Health and Mental Health America of Hawai'i.

Upon review of the testimony, your Committee finds that Ms. Bergan's background, knowledge, and commitment to public service qualify her to be nominated for reappointment to the Mental Health and Substance Abuse, Maui Service Area Board. Your Committee notes that Ms. Bergan is a Community Coordinator with Mental Health America Hawaii in Maui, where she organizes and facilitates mental health trainings and performs community outreach and interagency collaborations. Ms. Bergan is dedicated to community service and has worked on a number of community outreach and service programs and currently serves on the Board of Directors of Mental Health America, Maui Chapter and Society for Human Resource Management, Maui Chapter. Your Committee notes that Ms. Bergan is active in youth suicide prevention on Maui and is a certified national trainer for Mental Health First Aid and Youth Suicide and Bullying Prevention instructor. Your Committee finds that Ms. Bergan has been a member of the Mental Health and Substance Abuse, Maui Area Service Board since December 2017 and her experience in youth suicide prevention will be an asset to the Board. Your Committee therefore recommends she be reappointed to the Mental Health and Substance Abuse, Maui Service Area Board based on her knowledge, experience, and dedication to serving her community.

#### **BRIAN HAUSER**

Your Committee received testimony in support of the nomination for the appointment and reappointment of Brian Hauser from the Department of Health and Aloha Independent Living Hawaii.

Upon review of the testimony, your Committee finds that Mr. Hauser's background, knowledge, and commitment to disability rights qualify him to be nominated for appointment and reappointment to the Mental Health and Substance Abuse, Maui Service Area Board. Your Committee notes that Mr. Hauser has been an advocate for individuals living with disabilities for the past thirteen years and has worked with individuals with many different types of disabilities, including those related to mental health. Mr. Hauser is currently an Advocacy Coordinator with Aloha Independent Living Hawaii, where he coordinates collaborative efforts with local organizations and individuals to create awareness of and advocate for the needs of persons with disabilities. Your Committee notes that Mr. Hauser previously served in a variety of positions, including as a Systems Change Advocate, Disability Program Navigator, and Vocational Specialist, which has allowed him to assist individuals navigate through county, state, and federal programs. Your Committee finds that Mr. Hauser's ability to understand the challenges that individuals with disabilities face on a daily basis will be an asset for the Mental Health and Substance Abuse, Maui Service Area Board and therefore recommends that Mr. Hauser be appointed and reappointed to the Mental Health and Substance Abuse, Maui Service Area Board.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2148 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 512, 671, and 672

Recommending that the Senate advise and consent to the nominations of the following:

# BOARD OF CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT PLANTS

G.M. No. 512 EMILY DONG, for a term to expire 06-30-2022;

G.M. No. 671 JON NAKASHIMA, for a term to expire 06-30-2023; and

G.M. No. 672 ROBERT SOUZA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Emily Dong, Jon Nakashima, and Robert Souza for service on the Board of Certification of Operating Personnel in Wastewater Treatment Plants.

### EMILY DONG

Your Committee received testimony in support of the nomination for the appointment of Emily Dong from the Department of Health and four individuals.

Upon review of the testimony, your Committee finds that Ms. Dong's background, experience, and dedication to advancing her profession qualify her to be nominated for appointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Your Committee notes that Ms. Dong is a professional licensed engineer for Brown and Caldwell who has been involved with Hawaii's wastewater community for nine years. Ms. Dong also has eight years of engineering experience with the City and County of Honolulu, Department of Design and Construction, Wastewater Division, where she has worked on multiple wastewater management projects. Ms. Dong is the President of the Hawaii Water Environment Association and previously served as Chair of the Pacific Water Conference, the largest waste and wastewater conference in Hawaii. Your Committee further finds that Ms. Dong has served as an interim member of the Board of Certification of Operating Personnel in Wastewater Treatment Plants since June 2018 and has a thorough understanding of the role and responsibilities of board members. Your Committee therefore recommends that Ms. Dong be appointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on her knowledge, experience, and dedication to serving her industry.

## JON NAKASHIMA

Your Committee received testimony in support of the nomination for the appointment of Jon Nakashima from the Department of Health; County of Kaua'i, Department of Public Works, Wastewater Management Division; one member of the Kaua'i County Council; H2O Process Systems, LLC; and Hawaii Engineering Services, Inc.

Upon review of the testimony, your Committee finds that Mr. Nakashima's background and experience qualify him to be nominated for appointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants as the representative of the County of Kaua'i. Your Committee notes that Mr. Nakashima has over twenty years of experience with the County of Kaua'i Wastewater Management Division. Mr. Nakashima began his career as a Plant Operator and worked his way up to his current position of Field Operations Superintendent with a Grade 4 wastewater treatment plant operator certificate. Your Committee notes that over the course of his career, Mr. Nakashima has held multiple positions and is therefore familiar with the technical knowledge required to perform well at multiple levels of wastewater management, which will be an asset to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Furthermore, as a representative from the County of Kauai, Mr. Nakashima will be able to bring a valuable neighbor island perspective to the Board. Your Committee therefore recommends that Mr. Nakashima be appointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on his knowledge, experience, and dedication to the Kaua'i community.

#### ROBERT SOUZA

Your Committee received testimony in support of the nomination for the reappointment of Robert Souza from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Mr. Souza's background, knowledge, and proven leadership on the Board of Certification of Operating Personnel in Wastewater Treatment Plants qualify him to be nominated for reappointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Your Committee notes that Mr. Souza has almost thirty years of experience in the wastewater field, has held multiple positions within that field, and is currently the Metro Region District Supervisor at the Sand Island Wastewater Treatment Plant for the City and County of Honolulu. Your Committee further finds that Mr. Souza holds a Grade 4 wastewater treatment plant operator certificate and has been a member of the Board of Certification of Operating Personnel in Wastewater Treatment Plants for the past four years, including serving as Chair of the Board for the past year. Your Committee also finds that the technical expertise, historical knowledge of the industry, and leadership skills that Mr. Souza offers based on his many years of experience continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Souza be reappointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on his knowledge, experience, and commitment to his industry.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

# SCRep. 2149 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 680, 681, and 682

Recommending that the Senate advise and consent to the nominations of the following:

### STATE BOARD OF NURSING

G.M. No. 680 CARRIE OLIVEIRA, for a term to expire 06-30-2019;

G.M. No. 681 CARRIE OLIVEIRA, for a term to expire 06-30-2023; and

GM. No. 682 AMY MURAI, for a term to expire 06-30-2020. (Nominee's name amended to AMY STONE MURAI by GM759)

Your Committee reviewed the personal histories, resumes, and statements submitted by Carrie Oliveira and Amy Stone Murai for service on the State Board of Nursing.

#### CARRIE OLIVEIRA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Carrie Oliveira from the Department of Commerce and Consumer Affairs, Hawai'i State Center for Nursing, and University of Hawai'i Maui College.

Upon review of the testimony, your Committee finds that Dr. Oliveira's background and desire to serve the community qualify her to be nominated for appointment and reappointment to the State Board of Nursing as a public member. Your Committee notes that Dr. Oliveira has a Ph.D. in Communication and is an Associate Specialist for Workforce Research with the Hawaii State Center for Nursing, where she has improved the timeliness and distribution of the Center's research and improved usability by developing a focus on counties, regulatory changes, and responsiveness to requests for data. Dr. Oliveira previously served as the Director of Research with SMS Research and Marketing Services, Inc. and spent a number of years as a professor at East Tennessee State University, including time as the Associate Chair of Curriculum for the Department of Communication. Your Committee further finds that Dr. Oliveira has a thorough understanding of the role and responsibilities of board members and her ability to provide insight from the public's perspective and contribute her research experience will be valuable assets to the State Board of Nursing. Your Committee therefore recommends that Dr. Oliveira be appointed and reappointed to the State Board of Nursing based on her professional background, experience, and commitment to public service.

# AMY STONE MURAI

Your Committee received testimony in support of the nomination for the appointment of Amy Stone Murai from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Ms. Stone Murai's background, knowledge, and prior experience on the State Board of Nursing qualify her to be nominated for appointment to the State Board of Nursing as a licensee member. Your Committee notes that Ms. Stone Murai has nearly forty-five years of experience in nursing and has been licensed in Hawaii as a Registered Nurse since 1989 and as an Advanced Practice Registered Nurse since 1999. Ms. Stone Murai is semi-retired after twenty-nine years at Kaiser Permanente, where she served as a Clinical Research Nurse Coordinator, Clinical Coordinator, and Nurse Practitioner. Ms. Stone Murai is certified in Healthcare Research Compliance, nationally certified as a women's health nurse practitioner, and formerly served as an instructor and preceptor at the University of Hawaii School of Nursing. Your Committee further finds that Ms. Stone Murai has served on a number of professional associations, including the National Council of State Boards of Nursing and two previous terms on the State Board of Nursing where she served as co-chair of the Practice Committee. Your Committee therefore recommends that Ms. Stone Murai be appointed to the State Board of Nursing based on her knowledge, experience, and dedication to serving her community.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 6. Noes, none. Excused, 1 (Ruderman).

#### SCRep. 2150 (Majority) Hawaiian Affairs on Gov. Msg. No. 667

Recommending that the Senate advise and consent to the nomination of the following:

#### DEPUTY TO THE CHAIRPERSON OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

G.M. No. 667 WILLIAM J. AILA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by William Aila for service as the Deputy to the Chairperson of the Hawaiian Homes Commission.

Your Committee received testimony in support of the nomination for the reappointment of William Aila from the Office of the Governor; Department of Hawaiian Home Lands; Office of Hawaiian Affairs; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Public Safety; Department of Human Resources Development; Department of Land and Natural Resources; Department of Agriculture; Department of Business, Economic Development and Tourism; Department of Transportation; Office of Planning; Office of Enterprise Technology; Aha Moku Advisory Committee; Malama Makua and Women of Wai'anae; Wai'anae Valley Homestead Community Association; Council for Native Hawaiian Advancement; Hawaii Operating Engineers Industry Stabilization Fund; Kamalomalo'o Hawaiian Home Lands Association, Inc.; LiUna! Local 368; Ka 'Ohana O Kahikinui, Inc.; Waianae Hawaiian Civic Club; Waianae Neighborhood Board #24; Ko'olau Foundation; DeBartolo Development; Rosehill and Associates; Kelonu Enterprises, LLC; Chun Kerr LLP; Koʻolaupoko Hawaiian Civic Club; Waiohuli Hawaiian Homesteaders Inc.; O'ahu County Democrats Legislative Priorities Committee; and fifty-five individuals. Your Committee received testimony in opposition to the nomination for the reappointment of William Aila from the Pa'upena Community Development Corporation; Sovereign Councils of the Hawaiian Home Lands Assembly; Homestead Housing Authority; Keaukaha Community Association; Kalama'ula Mauka Homestead Association; Ho'omanapono Political Action Committee; Keaukaha Pana'ewa Farmers Association; Kanehili Community Association District 8 Community Policing Team; Piihonua Hawaiian Homestead Community Association; and twelve individuals. Your Committee received comments on the nomination for the reappointment of William Aila from the Pana'ewa Hawaiian Home Lands Community Association and Hawaiian Community Assets.

Your Committee finds that Mr. Aila is a graduate of Wai'anae High School and received a Bachelor of Science degree in General Tropical Agriculture from the University of Hawaii at Manoa. Mr. Aila resides with his family on a Home Lands residential award and has been a committed community servant for decades, serving on the National Marine Protected Areas Advisory Council, Ka'ena Point Advisory Group, Advisory Group to the U.S. Army Garrison Hawaii, U.S. Army Ordnance Reef Advisory Committee, Leeward Community College Wai'anae Campus - Advisory Board, Hui I Malama I Na Kupuna O Hawaii Nei, Ka Papa O Kakuhihewa, Hawaii Community Development Authority, and Wai'anae Weed and Seed Task Force, among others.

Mr. Aila worked as a commercial fisherman for twenty-eight years then for the Department of Land and Natural Resources as a Harbor Agent for the Wai'anae Boat Harbor for over twenty years. Mr. Aila was then appointed to lead the Department of Land and Natural Resources, as Chairperson of the Board of Land and Natural Resources, from 2010 through 2014, where his accomplishments included securing the final Board of Land and Natural Resources' approval of the Hā'ena, Kaua'i community based subsistence fishing area rules, protecting critical watershed areas, expanding Hawai'i's Natural Area Reserve System program, and establishing new enforcement mechanisms to protect Hawaii's cultural and natural resources.

In 2014, Mr. Aila was appointed to be the Deputy to the Chairperson of the Hawaiian Homes Commission where he has continued to work for the betterment of the Hawaiian community and the State. While at the Department of Hawaiian Home Lands, Mr. Aila supported efforts to complete over seven hundred lots, more than half of which have already been awarded on Hawaii, Kauai, Maui, and Oahu. Mr. Aila has also been responsive to beneficiary requests and has worked within the Department to increase the number of vacant lot awards and expand the product type offerings available on Hawaiian home lands. Some of Mr. Aila's other accomplishments at the Department of Hawaiian Home Lands include being the lead negotiator for the mediation agreement between public, private, and trust uses for the Waimea Watershed Area and the senior executive working with local Department of Hawaiian Home Lands staff to respond to the 2014 lava flow that threatened to displace Makuu homesteaders.

Your Committee finds that Mr. Aila's personal experience as the spouse of a homesteader provides him with insight into the frustrations of Hawaiian home lands beneficiaries and notes that various testifiers lauded Mr. Aila's willingness to listen and address

beneficiaries' communications in a timely manner. Therefore, your Committee recommends that Mr. Aila be reappointed as Deputy to the Chairperson of the Hawaiian Homes Commission based on his achievements, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Ihara). Noes, 1 (Fevella). Excused, 1 (Kahele).

#### SCRep. 2151 Hawaiian Affairs on Gov. Msg. Nos. 712, 713, and 714

Recommending that the Senate advise and consent to the nominations of the following:

# HAWAIIAN HOMES COMMISSION

G.M. No. 712 PAULINE NAMUO, for a term to expire 06-30-2022;

G.M. No. 713 DENNIS NEVES, for a term to expire 06-30-2021; and

G.M. No. 714 PATRICIA TERUYA, for a term to expire 06-30-2023

Your Committee reviewed the resumes and statements submitted by Pauline Namuo, Dennis Neves, and Patricia Teruya for service on the Hawaiian Homes Commission.

#### PAULINE NAMUO

Your Committee received testimony in support of the nomination for the appointment of Pauline Namuo from the Department of Hawaiian Home Lands, Oahu County Democrats, and eleven individuals.

Upon review of the testimony, your Committee finds that Ms. Namuo's background, experience, and commitment to public service qualify her to be nominated for appointment to the Hawaiian Homes Commission representing the City and County of Honolulu. Prior to her retirement in 2002, Ms. Namuo held various positions in government service, including with the State Judiciary, as a Legislative Coordinator for the Office of the Governor, and as Deputy Director of Administration for the Department of Public Safety, where her responsibilities included human resources for the 2,300-person Department, legislative services, and assisting with the Department's \$140 million budget. Since her retirement, Ms. Namuo has remained active in the Native Hawaiian community, particularly through her work with Ahahui Kaahumanu, Chapter 1, where she has held leadership positions including President and Vice President. Your Committee further finds that Ms. Namuo has served as an interim member of the Hawaiian Homes Commission since September 2018 where she has shown herself to be an attentive listener to community concerns and has a thorough understanding of the role and responsibilities of commission members. Your Committee therefore recommends that Ms. Namuo be appointed to the Hawaiian Homes Commission based on her knowledge, experience, and dedication to serving her community.

# DENNIS NEVES

Your Committee received testimony in support of the nomination for the appointment of Dennis Neves from the Department of Hawaiian Home Lands, Pono Kai Resort Owners Association, and six individuals.

Upon review of the testimony, your Committee finds that Mr. Neves' background and experience qualify him for nomination for appointment to the Hawaiian Homes Commission as a representative of the County of Kauai. Mr. Neves' career at San Francisco International Airport reflects continuing and increasing responsibilities and his final position as Terminal Systems Manager involved project management and contracting responsibilities. After his return to Hawaii, Mr. Neves held the position of Airport District Manager for Kauai Airports where he coordinated airport daily activities with the Transportation Security Administration, United States Department of Agriculture, and Federal Aviation Administration. Mr. Neves held that position until his retirement and is now a homesteader who lives in Anahola, Kauai. Your Committee finds that Mr. Neves' experience with complex organizations and project management will provide valuable insight to the Commission. Furthermore, your Committee finds that Mr. Neves' experience of moving away from Hawaii for work for a number of years before returning is common in the Hawaiian community and Mr. Neves will represent those with a similar experience on the Commission. Your Committee therefore recommends that Mr. Neves be appointed to the Hawaiian Homes Commission based on his knowledge, experience, and commitment to the Hawaiian community.

#### PATRICIA TERUYA

Your Committee received testimony in support of the nomination for the appointment of Patricia Teruya from the Department of Hawaiian Home Lands, a member of the State House of Representatives, two members of the Honolulu City Council, Council for Native Hawaiian Advancement, Hawaii Iron Workers Stabilization Fund, Oahu County Democrats, and eleven individuals.

Upon review of the testimony, your Committee finds that Ms. Teruya's background, experience, and commitment to public service qualify her to be nominated for appointment to the Hawaiian Homes Commission representing the City and County of Honolulu. Prior to her retirement, Ms. Teruya held several positions in local government, including with the City and County of Honolulu Mayor's Office, Neighborhood Commission Office, and City Council. Ms. Teruya is also dedicated to community service and has over twenty-four years of service with the Neighborhood Board system as well as being an active member of Hawaii's Native Community Coalition and the Nanakuli Hawaiian Homestead Association, and serving as President of the Wai'anae Coast Community Foundation. In her role as a member of the Nanakuli Hawaiian Homestead Association, Ms. Teruya engages with the Department of Hawaiian Home Lands at community meetings, Hawaiian Homes Commission meetings, and beneficiary consultations. Your Committee finds that Ms. Teruya will bring valuable insights to the Commission from her vast experience as a community leader, her first hand experiences as a homesteader engaging with the Commission, and her history of translating community concerns into tangible actions. Your Committee therefore recommends that Ms. Teruya be appointed to the Hawaiian Homes Commission based on her experience, knowledge, and history of community leadership.

As affirmed by the records of votes of the members of your Committee on Hawaiian Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Ihara).

#### SCRep. 2152 Hawaiian Affairs on Gov. Msg. No. 706

Recommending that the Senate advise and consent to the nomination of the following:

#### ISLAND BURIAL COUNCIL, ISLAND OF HAWAI'I

G.M. No. 706 DESMON HAUMEA, for a term to expire 06-30-2022

Your Committee reviewed the resume submitted by Desmon Haumea for service on the Island Burial Council, Island of Hawai'i.

Your Committee received testimony in support of the nomination for the appointment of Desmon Haumea from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Mr. Haumea's background, experience, and commitment to community service qualify him to be nominated for appointment to the Island Burial Council, Island of Hawai'i representing landowners and developers. Your Committee notes that Mr. Haumea is a resident of Hilo and has a long history of work and volunteer experience focused on native Hawaiian cultural practices. Currently, Mr. Haumea works with the Department of Education at Mt. View Elementary School and at the Waldorf Malamalama School where he teaches Hawaiian Studies, voyaging and canoe culture, basic seamanship, mele, Hawaiian self-defense, and lomilomi and traditional healing arts. Mr. Haumea has taught similar Hawaiiana subjects at the Ka Umeke Kaeo Hawaiian Immersion school and Edith Kanakaole Foundation. Mr. Haumea's commitment to bringing native Hawaiian practices to the broader community extends beyond schools and he has volunteered as a Cultural Advisor with Maui Community Correctional Center, he is a crewmember of the Polynesian Voyaging Society and 'Ohana Wa'a, and he was one of the founding members of the Hawaiian Foundation on Self Defense and Healing Arts, Na Wa'a Hanakahi Educational and Cultural Organization, and Lae'ula O Kai Educational and Cultural Organization. Your Committee finds that Mr. Haumea's advocacy for Hawaiian cultural practices will be a valuable asset for the Council and recommends that Mr. Haumea be appointed to the Island Burial Council. Island of Hawai'i.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

#### SCRep. 2153 Energy, Economic Development, and Tourism on Gov. Msg. No. 560

Recommending that the Senate advise and consent to the nomination of the following:

# HAWAI'I TECHNOLOGY DEVELOPMENT CORPORATION

G.M. No. 560 ISABELLA HUGHES, for a term to expire 06-30-2022

Your Committee reviewed the personal history and resume submitted by Isabella Hughes for service on the Board of Directors of the Hawaii Technology Development Corporation.

Your Committee received testimony in support of the nomination for the appointment of Isabella Hughes from the Department of Business, Economic Development, and Tourism; Hawaii Technology Development Corporation; Oahu Economic Development Board; Na Mea Hawaii: and four individuals.

Upon review of the testimony, your Committee finds that Ms. Hughes' professional experience, background, and commitment to public service qualify her for appointment to the Board of Directors of the Hawaii Technology Development Corporation. As the President and co-founder of Shaka Tea, Ms. Hughes has intimate knowledge of what it takes it to build an award winning company in Hawaii. Ms. Hughes also co-founded and directed the Honolulu Biennial Foundation, which promotes cultural diplomacy and exchange among countries and cultures linked by the Pacific Ocean, and currently serves as its Director Emeritus. Her experience in arts and culture, entrepreneurship, sustainable agriculture, and scaling a business from the neighbor islands would bring valuable expertise and perspective to the Hawaii Technology Development Corporation Board of Directors. Your Committee notes that Ms. Hughes has served as an interim member of the Board since July 2018 and finds that Ms. Hughes has a thorough understanding of the role and responsibilities of board members.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

#### SCRep. 2154 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 595 and 739

Recommending that the Senate advise and consent to the nominations of the following:

# BOARD OF DIRECTORS OF THE HAWAI'I TOURISM AUTHORITY

- G.M. No. 595 DANIEL CHUN, for a term to expire 06-30-2022; and
- G.M. No. 739 KIMI YUEN, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Daniel Chun and Kimi Yuen for service on the Board of Directors of the Hawaii Tourism Authority (HTA).

#### DANIEL CHUN

Your Committee received testimony in support of the nomination for the appointment of Daniel Chun from the Hawai'i Lodging and Tourism Association; Airlines Committee of Hawaii; Kyo-ya Management Co., Ltd.; Alaska Airlines; and eight individuals. Your Committee received testimony in opposition to the nomination for the appointment of Daniel Chun from two individuals.

Mr. Chun is currently the Director of Sales, Community, and Public Relations of Alaska Airlines. He previously served as the Executive Director of the Honolulu Gay and Lesbian Cultural Foundation, Special Assistant to the Tourism Liaison for the Office of the Governor, and Event Coordinator of the Hawaii Visitors and Convention Bureau. Mr. Chun is also an active community member who participates on the Board of Trustees of the Public Schools of Hawaii Foundation; Chamber of Commerce Hawaii Young Professionals; University of Hawaii Alumni Association; Hawaii Lodging and Tourism Association; Diamond Head Theater; Honolulu Gay and Lesbian Cultural Foundation; Travel Industry Management International, Inc.; and Make-A-Wish Hawaii.

Mr. Chun indicated in his personal statement that he hopes to support HTA's key initiatives around sustainable tourism and smart communities.

Your Committee finds that Mr. Chun's experience in tourism marketing, policy, and management will help him contribute to and be an effective member of the HTA Board of Directors.

#### KIMI YUEN

Your Committee received testimony in support of the nomination for the appointment of Kimi Yuen from the Department of Land and Natural Resources; Office of Planning; Office of the Mayor of the County of Kaua'i; National Tropical Botanical Garden; First Hawaii Title Corporation; Prince Resorts Hawaii; Queen Emma Land Company; Hui Maka'ainana O Makana; PBR Hawaii & Associates, Inc.; Elemental Excelerator; and fifteen individuals.

Ms. Yuen currently serves as a Principal and Planner at PBR Hawaii & Associates, Inc., and manages a variety of planning and design projects and the successful preparation of land use permits, environmental assessments, and environmental impact statements. She also is currently working on the County of Maui's Wailuku Civic Complex and the Mayor Wright Homes Redevelopment Project on Oahu. She is also a member of the University of Hawaii Department of Urban and Regional Planning Professional Council and Ohana Board.

Ms. Yuen indicated in her personal statement that she will prioritize the protection of the natural and cultural resources of Hawaii, ensure that the tourism industry is resilient to climate change, sea level rise, natural disasters, and other potential disrupters, and encourage the State to become an innovator in green technologies.

Your Committee finds that Ms. Yuen's urban planning experience and continuing community involvement will help her contribute to and be an effective member of the HTA Board of Directors.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Aves, 4. Noes, none. Excused, 1 (Inouve).

## SCRep. 2155 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 752, 753, 754, 755, 756, 757, and 758

Recommending that the Senate advise and consent to the nominations of the following:

# HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY

- G.M. No. 752 JOHN WHALEN, for a term to expire 06-30-2023;
- G.M. No. 753 CHASON ISHII, for a term to expire 06-30-2023;
- G.M. No. 754 KEVIN SAKODA, for a term to expire 06-30-2023;
- G.M. No. 755 AMY LUERSEN, for a term to expire 06-30-2023;
- G.M. No. 756 DONNA CAMVEL, for a term to expire 06-30-2022;
- G.M. No. 757 SHIRLEY SWINNEY, for a term to expire 06-30-2022; and
- G.M. No. 758 MITCHELL TYNANES, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by John Whalen, Chason Ishii, Kevin Sakoda, Amy Luersen, Donna Camvel, Shirley Swinney, and Mitchell Tynanes for service on the Hawaii Community Development Authority (HCDA).

### JOHN WHALEN

Your Committee received testimony in support of the nomination for the reappointment of John Whalen from the Department of Transportation, Hawaii Community Development Authority, Oahu County Committee Oahu County Democrats, and two individuals.

Mr. Whalen is an urban and regional planner whose professional career spans more than four decades and includes substantial administrative roles in government and private practice. Prior to forming his consulting firm, he served as Director of Land Utilization for the City and County of Honolulu. One of Mr. Whalen's higher profile public projects was the revision of the Kaka'ako Mauka Area Plan for HCDA in 2006. He holds a Master of Arts in Public Law and Government and Master of Science in Urban Planning from Columbia University and a Bachelor of Arts in Political Science and Pre-Architecture from Rutgers University.

Mr. Whalen indicated in his personal statement that he hopes to bring his years of experience in community planning to HCDA to meet the need for affordable housing, suitable industrial and commercial facilities for rent, sufficient and attractive parks and open space, preservation of historic and cultural features, and an active, mixed use community for local residents.

Your Committee finds that Mr. Whalen's past experiences with community planning, as well as his continuing commitment to issues relating to urban planning and community needs, will be great assets to HCDA.

#### CHASON ISHII

Your Committee received testimony in support of the nomination for the appointment of Chason Ishii from the Department of Transportation; Bank of Hawaii; Zippy's Restaurants; MW Group, Ltd.; and six individuals.

Mr. Ishii is currently the President of Atlas Insurance Agency, a position that he has held since June 2016. He previously served as President of Koa Capital LLC; President of HHL Holdings, Inc.; President, Executive Vice President, and Senior Vice President of Coldwell Banker Pacific Properties; and Group Vice President of Servco Pacific Inc. He holds an Executive Education degree from Harvard Graduate School of Business and a Bachelor of Business Administration from the University of Hawaii at Manoa. Mr. Ishii also currently serves as a board member for the Young Presidents Organization and The Deputies (Honolulu Police Department and Honolulu Fire Department).

Mr. Ishii indicated in his personal statement that he hopes to contribute and provide added value in making the best decisions to explore, coordinate, and execute on successful public and private sector community development opportunities.

Your Committee finds that Mr. Ishii's extensive professional experience as a business executive in the private sector and his involvement in the community will make him an effective member of HCDA.

#### KEVIN SAKODA

Your Committee received testimony in support of the nomination for the appointment of Kevin Sakoda from the Department of Transportation and one individual.

Mr. Sakoda has over twenty years of experience in financial markets, working as the Managing Director for UBS Securities in Tokyo, Director of the Hedge Fund Sales Group for Barclays Capital in Tokyo, Senior Trader and Chief Representative for NationsBank in Chicago and Tokyo, and Senior Trader, Analyst, and Manager for Chicago Research and Trading Group in Chicago and Tokyo. He has a Bachelor of Science degree in electrical engineering from Northwestern University.

Mr. Sakoda indicated in his personal statement that he hopes to strengthen our community by moving forward with socially, environmentally, and financially sustainable strategies.

Your Committee finds that Mr. Sakoda understands how market influences and availability of capital affect affordable housing development in Hawaii and that his extensive professional experience and expertise in the financial sector will help him contribute to and be an effective member of HCDA.

# AMY LUERSEN

Your Committee received testimony in support of the nomination for the reappointment of Amy Luersen from the Department of Transportation; Hawaii Community Development Authority; Koʻolaupoko Hawaiian Civic Club; Oahu County Committee, Oahu County Democrats; Koʻolau Foundation; and one individual.

Ms. Luersen is currently the Vice President of Community Collaboration at the Hawaii Community Foundation. In the past, Ms. Luersen was a community planning consultant, providing services for various community development organizations. She holds a Masters of Regional Planning from Cornell University and a Bachelor of Arts in Sociology and Urban Studies from Denison University.

Ms. Luersen indicated in her personal statement that she supports the development of a Heeia district master plan and rules and hopes to contribute to community resilience through sustainable management of the Heeia community development district.

Your Committee finds that Ms. Luersen's past experiences with city and regional planning, as well as her continuing commitment to the mission of the Heeia community development district to facilitate culturally appropriate agriculture, education, and natural resource restoration and management of the Heeia wetlands, will be great assets to HCDA.

# DONNA CAMVEL

Your Committee received testimony in support of the nomination for the reappointment of Donna Camvel from the Department of Transportation, Hawaii Community Development Authority, Koʻolaupoko Hawaiian Civic Club, Koʻolau Foundation, and one individual.

Ms. Camvel is currently a doctoral candidate in the Political Science Department at the University of Hawaii at Manoa, specializing in Indigenous Politics. She has also traveled to the United Nations Permanent Forum on Indigenous Issues in New York as a student representative for the University of Hawaii to talk about Native Hawaiian and indigenous issues. She received a Master's degree in Hawaiian Studies and Bachelor of Arts degrees in Women's Studies and Hawaiian Studies from the University of Hawaii.

Ms. Camvel indicated in her personal statement that she can provide HCDA with valuable cultural expertise and community knowledge of the He'e'ia ahupua'a.

Your Committee finds that Ms. Camvel's past experiences with indigenous issues, as well as her continuing commitment to natural resource management, will be great assets to HCDA.

#### SHIRLEY SWINNEY

Your Committee received testimony in support of the nomination for the reappointment of Shirley Swinney from the Department of Transportation, Department of Hawaiian Home Lands, Aha Moku Advisory Committee and Moku O Kakuhihewa, Hawaii Community Development Authority, Council for Native Hawaiian Advancement, and three individuals.

Ms. Swinney is currently the President and founder of Kapolei Community Development Corporation, which plans, designs, and implements initiatives by and for the Kapolei homestead beneficiaries. Previously, she was a Circuit Court Clerk II at the Hawaii State Judiciary, coordinating facilities and personnel for court proceedings, among other duties. Ms. Swinney is also highly involved in several organizations throughout the community, such as the Malama Learning Center, Special Olympics Hawaii, and Hoʻopili Task Force. She holds an Associate of Arts Degree from Leeward Community College and a Business Certificate from Honolulu Business College.

Ms. Swinney indicated in her personal statement that she recognizes how the community is vital in developing Kalaeloa's cultural, economic, and social resources for a sustainable future.

Your Committee finds that Ms. Swinney's past experiences with homestead initiatives, as well as her continuing commitment to the community of Kalaeloa, will be great assets to HCDA.

## MITCHELL TYNANES

Your Committee received testimony in support of the nomination for the appointment of Mitchell Tynanes from the Department of Transportation and two individuals.

Mr. Tynanes has twenty-nine years of experience in the construction industry. He is a Field Representative for the Hawaii Regional Council of Carpenters and the Owner and Operator of Boars No More, LLC, a small business specializing in invasive species removal, environmental quality management, and wildlife damage management. Mr. Tynanes previously served as a Generator Technician for Generators Hawaii Corporation. Mr. Tynanes is also an active member in the community by serving on the Ewa Beach Neighborhood Board and as a member of the JCHS Alumni Foundation, Ewa Weed and Seed Steering Committee, Homeowners Association at Terrazza Cortabella Las Bresis Tiburon, and Ewa Beach Lions Club. Mr. Tynanes is also currently serving as the President of the Oahu Pig Hunters Association.

Mr. Tynanes indicated in his personal statement that he hopes to facilitate the identification and execution of development plans and programs best suited to accomplish community specific growth-related goals while maintaining historical integrity.

Your Committee finds that Mr. Tynanes' past construction experience and continuing dedication to the community will be great assets to HCDA.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

# SCRep. 2156 Water and Land on Gov. Msg. Nos. 689 and 690

Recommending that the Senate advise and consent to the nominations of the following:

#### MOLOKA'I IRRIGATION SYSTEM WATER USERS ADVISORY BOARD

G.M. No. 689 FAITH TUIPULOTU, for a term to expire 06-30-2020; and

G.M. No. 690 JILL COOMBS, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Faith Tuipulotu and Jill Coombs for service on the Moloka'i Irrigation System Water Users Advisory Board.

## FAITH TUIPULOTU

Your Committee received testimony in support of the nomination for the appointment of Faith Tuipulotu from the Moloka'i Chamber of Commerce, Anahaki LLC, and one individual.

Your Committee finds that Ms. Tuipulotu works as an Agricultural Technician IV at the University of Hawaii College of Tropical Agriculture and Human Resources Cooperative Extension Service. She additionally serves as a Certified Organic Inspector and President of the Moloka'i Homestead Farmers Alliance, among other things. Your Committee finds that Ms. Tuipulotu has the background, experience, and commitment to public service to qualify for appointment to the Molokai Irrigation System Water Users Advisory Board as a member of the Moloka'i-Lāna'i Soil and Water Conservation District Board, pursuant to section 167-23, Hawaii Revised Statutes. Testifiers commented that Ms. Tuipulotu has achieved long and distinguished career in agriculture on Moloka'i. Testifiers noted that she embodies what it means to be an advocate of agriculture. Your Committee further finds that the Board will benefit from the skills and experience that Ms. Tuipulotu will contribute to the Board.

#### JILL COOMBS

Your Committee received testimony in support of the nomination for the appointment of Jill Coombs from the Moloka'i Chamber of Commerce, Anahaki LLC, and nine individuals.

Your Committee finds that Ms. Coombs is a plant scientist with sixteen years of experience in agriculture who currently works as Production Lead at Bayer in Kaunakakai. Your Committee finds that Ms. Coombs has the background, experience, and commitment to public service to qualify for appointment to the Molokai Irrigation System Water Users Advisory Board as a nonhomestead farmer user on Moloka'i, pursuant to section 167-23, Hawaii Revised Statutes. Testifiers commented that Ms. Coombs has a deep appreciation for Moloka'i, its resources, and culture, as well as a full understanding of Moloka'i water systems. Testifiers noted that she centers much of her focus around conservation, stewardship, and sustainability. Your Committee further finds that the Board will benefit from the skills and experience that Ms. Coombs will contribute to the Board.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 2157 Water and Land on Gov. Msg. No. 511

Recommending that the Senate advise and consent to the nomination of the following:

## COMMISSION ON WATER RESOURCE MANAGEMENT

G.M. No. 511 WAYNE KATAYAMA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Wayne Katayama for service on the Commission on Water Resource Management.

Your Committee received testimony in support of the nomination for the appointment of Wayne Katayama from the Department of Agriculture; Department of Land and Natural Resources; Agribusiness Development Corporation; Office of the Mayor of the County of Kaua'i; one member of the Kaua'i County Council; Kaua'i Chamber of Commerce; East Kauai Water Users' Cooperative; Hawaii' Farm Bureau; Maui County Farm Bureau; The Nature Conservancy; Hawaii Cattlemen's Council, Inc.; Hawaii Agriculture Research Center; Grove Farm Company, Inc.; Larry Jefts Farms, LLC; Koloa Rum Company; Kalepa Koalition; Hawaii Crop Improvement Association; New Island Feed, Inc.; Mahukona Ranch; and twenty-four individuals.

Upon review of the testimony, your Committee finds that Mr. Katayama's experience in agriculture, commitment to public service, and proven leadership qualify him for appointment to the Commission on Water Resource Management. Your Committee notes that Mr. Katayama has held numerous positions within the agricultural industry, including the President and General Manager of Kauai Coffee Company Inc./LLC and President of Kilauea Agronomics, LLC, from which he amassed knowledge and experience in hydrology, hydropower, irrigation system management, and water quality permitting; improved process efficiencies; increased company sales through innovative marketing; instituted product quality control measures; and conducted financial analyses of company operations. Testifiers commented that Mr. Katayama has extensive knowledge and experience in agricultural irrigation systems and water resource management and a proven track record as a facilitator, partner, and supporter of agriculture in Hawaii. Testifiers also noted his long record of public service and leadership, including service to the Kaua'i Planning Commission, Agribusiness Development Corporation Board of Directors, Hawai'i Coffee Association, Hawai'i Coffee Growers Association-Coffee Berry Borer Task Force, University of Hawaii College of Tropical Agriculture and Human Resources Advisory Committee, Mayor of Kauai's Agriculture Advisory Committee, Kauai Economic Development Board Hawaii, and Hawaii Farm Bureau. Your Committee finds that Mr. Katayama's skills and experience will benefit and contribute to the Commission.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 2158 Water and Land on Gov. Msg. No. 666

Recommending that the Senate advise and consent to the nomination of the following:

## DIRECTOR OF THE OFFICE OF PLANNING, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

G.M. No. 666 MARY ALICE EVANS, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Mary Alice Evans for service as the Director of the Office of Planning.

Your Committee received testimony in support of the nomination for the appointment of Mary Alice Evans from the Governor; Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; Department of Transportation; Department of Health; Department of Human Resources Development; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Department of Agriculture; Department of Accounting and General Services; Department of Taxation; Department of Human Services; Department of Hawaiian Home Lands; Office of Planning; Office of Environmental Quality Control; Office of Enterprise Technology Services; Hawai'i Tourism Authority; Research Corporation of the University of Hawai'; Hawaii Community Development Authority; Hawaii Green Infrastructure Authority; Natural Energy Laboratory

of Hawaii Authority; Hawaii Technology Development Corporation; Hawai'i Gas; Hawai'i Farm Bureau; Oahu Economic Development Board; Oahu County Committee Oahu County Democrats; and eighteen individuals.

Your Committee finds that for over four decades, Ms. Evans has served in a wide range of government roles affecting sectors such as central state services, human resources, land use, renewable and alternative energy development, economic development, and tourism. Ms. Evans is currently the Planning Program Manager of the Special Plans Branch of the Office of Planning. She briefly served as the interim Director of Business, Economic Development, and Tourism and served as the Deputy Director of the Department of Business, Economic Development, and Tourism from 2011 to 2018. Additionally, among other positions, Ms. Evans has served as a Deputy Comptroller of the Department of Accounting and General Services, Special Assistant for Research at the Office of the Governor, and Employment Analyst and Community Services Planner at the Department of Labor and Industrial Relations.

Ms. Evans is affiliated with diverse professional organizations throughout the State. She served as President of the Hawaii Chapter of the American Planning Association. She is also a member of the Hawaii Economic Association, Hawaii's Thousand Friends, Honolulu City Planning Commission, and Urban Land Institute. Testifiers commented on Ms. Evans' consistently strong work ethic and her many years of public service to the State, and noted Ms. Evans' depth of institutional knowledge, particularly the interworkings of government and her extensive experience managing staff, budgets, operations, and projects, her generosity in sharing this knowledge, and desire to accelerate departmental and state progress. These qualities provide a foundation for long-term state efforts in planning and coordinating future public and private sector projects.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

# SCRep. 2159 Water and Land on Gov. Msg. No. 688

Recommending that the Senate advise and consent to the nomination of the following:

#### KAHO'OLAWE ISLAND RESERVE COMMISSION

G.M. No. 688 JOSHUA KAAKUA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Joshua Kaakua for service on the Kaho'olawe Island Reserve Commission.

Your Committee received testimony in support of the nomination for the reappointment of Joshua Kaakua from the Kahoʻolawe Island Reserve Commission, Aha Moku Advisory Committee, Moku O Kanaloa, County of Maui Department of Planning, Protect Kahoolawe Ohana, Hawaiian Canoe Club of Maui, and twenty-eight individuals.

Upon review of the testimony, your committee finds that Dr. Kaakua has fourteen years of experience planning, designing, and implementing collaborative, high performing, and results-oriented diversity programs within the University of Hawaii System with a focus on science, technology, engineering, and mathematics. Dr. Kaakua is an active community participant and is a member of the Akamai Workforce Initiative, Na Pua No'eau Center for Gifted & Talented Native Hawaiian Children, Ke Ola Mau Native Hawaiian Health Scholars Program, and Pacific American Foundation Na 'Imi Na'auao, among others, and currently serves as the Vice Chair of the Kaho'olawe Island Reserve Commission.

Your Committee finds that Dr. Kaakua has the background, experience, and commitment to community and public service which further qualify him for reappointment to the Kahoʻolawe Island Reserve Commission as a member of the Protect Kahoʻolawe Ohana, pursuant to section 6K-5, Hawaii Revised Statutes. Testifiers commented that Dr. Kaakua was instrumental in gaining support for the Commission's capital improvement projects. Testifiers noted the nominee is trained as a Kua, a member who provides for safe and meaningful journeys to the island; trained as a Kahoʻolawe Island Reserve Commission Access Guide in the ability to identify, mark, and avoid unexploded ordnance; and actively involved in the opening of an Ala Loa, an around-the-island trail to lead many of the huaka'i, cultural field trips to the island. Your Committee further finds that the Commission will continue to benefit from the background and experience that Dr. Kaakua brings to the Commission.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 2160 Water and Land on Gov. Msg. No. 576

Recommending that the Senate advise and consent to the nomination of the following:

# NATURAL AREA RESERVES SYSTEM COMMISSION

G.M. No. 576 JEFFREY SAITO, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Jeffrey Saito for service on the Natural Area Reserves System Commission.

Your Committee received testimony in support of the nomination for the appointment of Jeffrey Saito from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Mr. Saito's experience as the founder of The Guild – Maui Hunting Club, commitment to public service, and proven leadership qualify him for appointment to the Natural Area Reserves System Commission. Your Committee notes that Mr. Saito is an experienced hunter which has afforded him the opportunity to become very familiar with Hawaii's natural terrain and resources. He has developed a hunter check-in log, assisted with mammal removal, and participated in community education programs within the Ahihi-Kinau Natural Area Reserve since 2017. Your Committee finds that Mr. Saito has been nominated for appointment to the Natural Area Reserves System Commission based on his willingness to serve the public and his knowledge and experience with the removal of ungulates from vulnerable areas.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 2161 Higher Education on Gov. Msg. Nos. 652, 653, 654, and 655

Recommending that the Senate advise and consent to the nominations of the following:

## CENTER FOR NURSING ADVISORY BOARD

G.M. No. 652 ARTHUR SAMPAGA JR., for a term to expire 06-30-2021;

G.M. No. 653 JULIO ZAMARRIPA, for a term to expire 06-30-2023;

G.M. No. 654 BONNIE CASTONGUAY, for a term to expire 06-30-2019; and

G.M. No. 655 BONNIE CASTONGUAY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories and resumes submitted by Arthur Sampaga Jr., Julio Zamarripa, and Bonnie Castonguay for service on the Center for Nursing Advisory Board.

#### ARTHUR SAMPAGA JR.

Your Committee received testimony in support of the nomination for the appointment of Arthur Sampaga Jr., from the Hawai'i State Center for Nursing.

Upon review of the testimony, your Committee finds that Mr. Sampaga is presently the Chief Nursing Officer and Assistant Administrator at Hilo Medical Center. His professional work experience includes serving as the Assistant Director of Nursing; Director of Cardiovascular, Surgical, and Emergency Services Emergency Management Coordinator; and Director of Cardiovascular Service at Hilo Medical Center. Additionally, Mr. Sampaga served in the Hawaii Army National Guard as a Deputy Command Clinical Services (LTC-P) and Army Nurse (LTC and MAJ). According to testimony, Mr. Sampaga has helped to expand projects and programs of the Hawaii State Center for Nursing to Hawaii island by leading the initiative to bring the Center's evidence-based practice program to Hilo and launching a nurse residency program at Hilo Medical Center. Your Committee therefore finds that Mr. Sampaga's experience in nursing, as well as his willingness to serve, will be great assets to the Center for Nursing Advisory Board.

# JULIO ZAMARRIPA

Your Committee received testimony in support of the nomination for the reappointment of Julio Zamarripa from the Hawai'i State Center for Nursing.

Upon review of the testimony, your Committee finds that Mr. Zamarripa is presently a Manager for Clinical Operations at Straub Clinic and Hospital, overseeing the clinical operations for allergy and gastroenterology ambulatory offices. His professional work experience includes serving as the Gastroenterology Clinic RN Team Lead at Straub Clinic and Hospital and Pre-Admission Testing Unit RN and Pre-Transplant Hepatology/Telemetry/Med-Surge Unit RN at St. Luke's Hospital. According to testimony, Mr. Zamarripa currently serves as the Vice Chair of the Center for Nursing Advisory Board, where he supports the dialogue and direction of the Advisory Board. Additionally, he has helped establish new priority areas for the Hawaii State Center for Nursing, including Advanced Practice Registered Nursing Transition to Practice. Your Committee therefore finds that Mr. Zamarripa's expertise as a nurse manager for interprofessional specialty clinics, as well as his commitment to public service, will continue to be great assets to the Center for Nursing Advisory Board.

#### **BONNIE CASTONGUAY**

Your Committee received testimony in support of the nomination for the appointment and reappointment of Bonnie Castonguay from the Hawai'i State Center for Nursing.

Upon review of the testimony, your Committee finds that Ms. Castonguay is presently the Co-Founder and President of Ho'okele Health Innovations, LLC, a professional service that provides individuals with navigation services, care coordination, and private home care services. Her professional work experience includes serving as Vice President and Executive Director of Patient Safety and Quality Services/Center for Health Outcomes at Hawaii Pacific Health and Director of Quality Management at Kapi'olani Medical Center at Pali Momi and Kapi'olani Medical Center for Women and Children. According to testimony, Ms. Castonguay is a well-established leader in patient navigation, care coordination, and home health services, which positions her to advise the Hawaii State Center for Nursing on current health care gaps, trends, and needs of the State. Your Committee therefore finds that Ms. Castonguay's vast health care experience, as well as her leadership abilities, will be great assets to the Center for Nursing Advisory Board.

As affirmed by the records of votes of the members of your Committee on Higher Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 2162 Energy, Economic Development, and Tourism on Gov. Msg. No. 665

Recommending that the Senate advise and consent to the nomination of the following:

#### DEPUTY DIRECTOR OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

G.M. No. 665 RANDALL TANAKA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Randall Tanaka for service as the Deputy Director of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of the nomination for the appointment of Randall Tanaka from the Governor; Department of Business, Economic Development, and Tourism; Department of Budget and Finance; Department of Accounting and General Services; Department of Human Resources Development; Department of Labor and Industrial Relations; Department of Agriculture; Department of Land and Natural Resources; Department of Public Safety; Department of Transportation; Department of Hawaiian Home Lands; Oahu Economic Development Board; Research Corporation of the University of Hawaii'; Natural Energy Laboratory of Hawaii Authority; Office of Environmental Quality Control; University of Hawaii System; Hawaii Green Infrastructure Authority; Professional Convention Management Association; and twenty-four individuals.

Randall Tanaka is currently the University of Hawaii Community Colleges Director of Commercial and Auxiliary Enterprises, Safety, and Security, a position he has held since 2017. He previously served as the President and Executive Director of the International Union for the Conservation of Nature of the World Conservation Congress. In addition to business, executive, and management experience, Mr. Tanaka also has an extensive career in the Hawaii tourism industry. He has served in various capacities for the Hawaii Convention Center, including as Interim General Manager, Assistant General Manager, Director of Business Development, and Director of Sales and Marketing. Furthermore, he has been the Chief Operating Officer for the Asia Pacific Economic Cooperation and Executive Director for the Kauai Visitors Bureau, among other positions in the tourism industry.

Mr. Tanaka's extensive experience in business management and tourism have enabled him to gain a clear understanding of business and economic development issues and how those issues affect the state agencies and businesses affiliated with tourism in Hawaii. Mr. Tanaka also has extensive community ties, having served as a board member of the Professional Conference Managers Association, International Association of Venue Management, United States-Japan Hawaii Council, Hawaii Food and Wine Festival, and University of Hawaii College of Tropical Agriculture and Human Resources Alumni Association.

Your Committee believes that the nominee possesses the qualifications to serve as the Deputy Director of the Department of Business, Economic Development, and Tourism and help lead the Department. Due to Mr. Tanaka's invaluable background in the business and tourism sectors, he has a wealth of experience to craft innovative solutions for the Department. His experience in business and tourism gives him a thorough understanding of the business and tourism industries and a wealth of industry contacts, which will aid him as he helps lead the department charged with overseeing numerous state business, economic development, and tourism issues.

Your Committee notes from the nominee's personal statement that his vision for the Department of Business, Economic Development, and Tourism is to constantly evolve the Department's action plan and to ensure that the Department focuses on key areas that will diversify the economic base and increase revenue.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Inouye).

## SCRep. 2163 (Joint) Energy, Economic Development, and Tourism and Agriculture and Environment on H.C.R. No. 107

The purpose and intent of this measure is to request that the Department of Business, Economic Development, and Tourism and Department of Agriculture submit a report to the Legislature prior to the 2020 Regular Session that identifies the best practices and makes recommendations regarding a statewide program to address agricultural theft and vandalism.

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, Hawai'i Farm Bureau, Hawaii County Council, O'ahu County Democrats Legislative Priorities Committee, and one individual. Your Committees received comments on this measure from the Department of Agriculture and Office of Planning.

Your Committees find that agricultural theft and vandalism are constant threats for state farmers and ranchers because the large acreages that many farming and ranching operations encompass are difficult to police. Your Committees also find that some farmers and ranchers do not live on or near the fields where they work, making the operations challenging to monitor after-hours. Your Committees further find that theft and vandalism increase production costs, making it more difficult for farmers and ranchers to succeed financially.

Your Committees have amended this measure by:

- (1) Removing the request for the Department of Business, Economic Development, and Tourism to make recommendations and submit a report to the Legislature and only requesting the Department of Agriculture to do so;
- (2) Amending its title; and

(3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 107, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 107, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

#### SCRep. 2164 Ways and Means on Gov. Msg. No. 715

Recommending that the Senate advise and consent to the nomination of the following:

## MEMBER, COUNCIL ON REVENUES

G.M. No. 715 Marilyn Niwao Roberts, for a term to expire 06-30-2023

Your Committee reviewed the personal statement and resume submitted by Marilyn Niwao Roberts for service as a member of the Council on Revenues.

Your Committee received testimony in support of the nomination of Marilyn Niwao Roberts from the Department of Taxation, Hawaii Association of Public Accountants, and two individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that in addition to the nominee's leadership as Vice Chair of the Council on Revenues, the nominee's knowledge of taxes, accounting, and business qualify her to continue to serve as a member of the Council on Revenues. Your Committee notes that Marilyn Niwao Roberts' professional experience includes work at two large international certified public accountant firms as well as running her own practice on Maui.

Your Committee further finds that the nominee's experience includes serving as president of the Hawaii Association of Public Accountants from 1998 to 2002, and as president of the National Society of Accountants from 2015 to 2016. Your Committee notes that Ms. Niwao Roberts' extensive educational background in math, law, and public accounting will continue to benefit the Council on Revenues as it performs its duties pursuant to Chapter 37, Hawaii Revised Statutes, including preparation of state government revenue estimates.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (Harimoto, Kahele, Kidani, Shimabukuro, Taniguchi, Fevella).

# SCRep. 2165 Ways and Means on Gov. Msg. No. 716

Recommending that the Senate advise and consent to the nomination of the following:

# MEMBER, COUNCIL ON REVENUES

G.M. No. 716 Carl Bonham, for a term to expire 06-30-2023

Your Committee reviewed the personal statement and resume submitted by Carl Bonham for service as a member of the Council on

Your Committee received testimony in support of the nomination of Carl Bonham from the Department of Taxation and the University of Hawaii at Manoa.

Upon review of the testimony and the nominee's qualifications, your Committee finds that in addition to the nominee's leadership as Executive Director of the University of Hawaii Economic Research Organization and experience as a tenured professor in the University of Hawaii at Manoa Department of Economics, the nominee's expertise in macroeconomics, tourism economics, and applied economics and forecasting qualify him to continue to serve as a member of the Council on Revenues.

Your Committee finds that Mr. Bonham's experience as the longest-serving member of the Council on Revenues provides him with firsthand knowledge of the intricacies and challenges of creating economic forecasts based on Hawaii's particular business and government environments. Your Committee notes that over the course of the nominee's many years of service on the Council on Revenues, his significant contributions to and guidance of the Council's complex deliberations have had a meaningful impact on the State budget.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (Harimoto, Kahele, Kidani, Shimabukuro, Taniguchi, Fevella).

# SCRep. 2166 Ways and Means on Gov. Msg. No. 717

Recommending that the Senate advise and consent to the nomination of the following:

## MEMBER, COUNCIL ON REVENUES

G.M. No. 717 Jack Suyderhoud, for a term to expire 06-30-2023

Your Committee reviewed the personal statement and resume submitted by Jack Suyderhoud for service as a member of the Council on Revenues.

Your Committee received testimony in support of the nomination of Jack Suyderhoud from the Department of Taxation.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has demonstrated leadership as Director of the University of Hawaii at Manoa Shidler College of Business Master of Business Administration program, in addition to his prior service as Executive Director of the State's Tax Review Commission and professor of business economics at the University of Hawaii at Manoa. Your Committee further finds that Mr. Suyderhoud's extensive knowledge of economics, quantitative methods, and tax incentives on foreign investment qualify him to continue to serve as a member of the Council on Revenues.

Your Committee notes that over the course of the nominee's years of service on the Council on Revenues, his significant contributions to and guidance of the Council's complex deliberations have had a meaningful impact on the State budget.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (Harimoto, Kahele, Kidani, Shimabukuro, Taniguchi, Fevella).

#### SCRep. 2167 Agriculture and Environment on Gov. Msg. No. 709

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF DIRECTORS OF THE AGRIBUSINESS DEVELOPMENT CORPORATION

G.M. No. 709 WARREN WATANABE, for a term to expire 06-30-2020

Your Committee has reviewed the personal history, resume, and statement submitted by Warren Watanabe for service on the Board of Directors of the Agribusiness Development Corporation.

Your Committee received testimony in support of the nomination for the appointment of Mr. Watanabe from the Department of Agriculture; Agribusiness Development Corporation; one member of the Kaua'i County Council; Ulupono Initiative; Kealia Ranch; Larry Jefts Farms, LLC; Ponoholo Ranch Limited; Hawaii Cattlemen's Council; Hawaii'i Farm Bureau; Ulupalakua Ranch; Bayer; Hawaii Floriculture and Nursery Association; Hawaii Agriculture Research Center; and eight individuals. Your Committee received testimony in opposition to the nomination for the appointment of Mr. Watanabe from one individual.

Your Committee finds that Mr. Watanabe received his Bachelor of Science degree in Horticultural Science from the University of Hawai'i at Manoa. Until its closure in 2012, Mr. Watanabe worked for his family farm, Watanabe Farm, growing lei heads and vegetables. The Watanabe Farm specialty vegetables were marketed under the name Kolours of Kula via Local Island Fresh Edibles. Since 2012, Mr. Watanabe has served as the Executive Director of the Maui County Farm Bureau. Mr. Watanabe also acts as support staff for the Hawaii Farm Bureau.

Your Committee further finds that Mr. Watanabe has served on several boards and advisory committees. Mr. Watanabe has served as a board member for the Maui County Board of Water Supply, Board of Maui Produce Processing Cooperative, and as a board member and president of the Maui County Farm Bureau. Mr. Watanabe has also served on the following advisory committees: Maui General Plan, Kahului Harbor Master Plan, Young Bros-Superferry, Maui County Tourism Strategic Plan, Focus Maui Nui, and Hawaii Drought Council. Your Committee finds that Mr. Watanabe is well-qualified to serve on the Board of Directors of the Agribusiness Development Corporation.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 2168 Agriculture and Environment on Gov. Msg. No. 738

Recommending that the Senate advise and consent to the nomination of the following:

# DIRECTOR OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

G.M. No. 738 SCOTT GLENN, for a term to expire 06-30-2023

Your Committee has reviewed the personal history and statement submitted by Scott Glenn for service as the Director of the Office of Environmental Quality Control.

Your Committee received testimony in support of the nomination for the reappointment of Scott Glenn from the Governor; Department of Health; Agribusiness Development Corporation; Department of Taxation; Department of Accounting and General Services; Department of Labor and Industrial Relations; Department of Human Resources Development; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Department of Transportation; Department of Public Safety; Department of Hawaiian Home Lands; Pūlama Lāna'i; Building Industry Association Hawaii; Oahu County Committee of the Oahu County Democrats; Hawaii Cattlemen's Council; Hawai'i Farm Bureau; Hawai'i Gas; Hanalei Watershed Hui; and twelve individuals.

Your Committee finds that Mr. Glenn's experience as an Environmental Planner, commitment to public service, and proven leadership qualify him for reappointment as the Director of the Office of Environmental Quality Control. Mr. Glenn has experience at Cardno, a professional infrastructure and environmental services company, as a project manager, business developer, and technical expert, and has led a team of planners, environmental scientists, geospatial data analysts, graphic designers, and technical specialists. Mr. Glenn specializes in asset management, environmental planning and compliance, environmental review, and climate change adaptation planning and is the co-founder and President of Better Block Hawaii, a non-profit corporation dedicated to exploring collaborative, innovative approaches to improving urban livability. He has also served as the Chair of the Sierra Club Hawaii Chapter and Chair of the State Environmental Council. Your Committee notes that Mr. Glenn has worked in the areas of urban planning and the environment for many years and has significant experience with environmental assessments and environmental impact statements. He received his Master's degree in Urban and Regional Planning from the University of Hawaii'i in 2009.

Your Committee further finds that Mr. Glenn has served as Director of the Office of Environmental Quality Control since 2015. As the Director, Mr. Glenn advises the Governor on environmental quality issues. The Director is tasked with public education and outreach, conducting research, submitting and providing testimony on legislative initiatives, recommending programs, and providing advice and assistance regarding Hawaii's environmental review process. The Director also sits as an ex officio voting member on the Environmental Council, Advisory Committee on Plants and Animals, and Emergency Response Commission. Based on Mr. Glenn's knowledge, experience, and commitment to public service, your Committee finds that Mr. Glenn is well-qualified to continue to serve as the Director of the Office of Environmental Quality Control.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

#### SCRep. 2169 Water and Land on Gov. Msg. Nos. 724, 725, 726, and 727

Recommending that the Senate advise and consent to the nominations of the following:

## LEGACY LAND CONSERVATION COMMISSION

G.M. No. 724 CHRISTIANE LUCAS, for a term to expire 06-30-2021;

G.M. No. 725 JACOB TAVARES, for a term to expire 06-30-2023;

G.M. No. 726 JOHN SINTON, for a term to expire 06-30-2023; and

G.M. No. 727 BERYL BLAICH, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Christiane Lucas, Jacob Tavares, John Sinton, and Beryl Blaich for service on the Legacy Land Conservation Commission.

#### CHRISTIANE LUCAS

Your Committee received testimony in support of the nomination for the appointment of Christiane Lucas from the Department of Land and Natural Resources; Oahu County Committee, Oahu County Democrats; Malama Maunalua; Conservation Council for Hawai'i; Maunalua Fishpond Heritage Center; The Outdoor Circle; and four individuals.

Upon review of the testimony, your Committee finds that Ms. Lucas is the Program Manager of the Takai Transition Center Network for Hawaii 3Rs and a Legislative Aide for State Representative Gregg Takayama. Ms. Lucas has a background in community-based land acquisition and resource stewardship, including service on the City and County of Honolulu Clean Water and Natural Lands Commission, The Outdoor Circle Executive Committee, Maunalua Fishpond Heritage Center, and Kākoʻo ʻŌiwi Board of Directors.

Your Committee finds that Ms. Lucas has the background, experience, and commitment to public service to qualify for appointment to the Legacy Land Conservation Commission as a member of an environmental organization, pursuant to section 173A-2.4, Hawaii Revised Statutes. Testifiers commented that Ms. Lucas has served the people of Hawaii in many capacities over the years, including in the areas of environmental sustainability, public policy, and education. Testifiers noted that her professional background and training in education, legislation, and island sustainability exhibit key connections with Commission operations and concerns and her wealth of experience and knowledge will be a valuable asset for interacting with applicants, department staff, and fellow commissioners. Your Committee therefore finds that the Commission will benefit from the skills and experience that Ms. Lucas will contribute to the Commission.

## JACOB TAVARES

Your Committee received testimony in support of the nomination for the reappointment of Jacob Tavares from the Department of Land and Natural Resources; Department of Agriculture; one member of the Kaua'i County Council; Hawaii Cattlemen's Council, Inc.; Kealia Ranch; Ponoholo Ranch Limited; Ulupalakua Ranch; and six individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Jacob Tavares from two individuals.

Upon review of the testimony, your Committee finds that Mr. Tavares is a Ranch Manager at Kūlōlio Ranch, LLC on Maui. He previously worked as a Human Resource Specialist at Hawaiian Commercial and Sugar Company. Mr. Tavares is an active community participant and is an Agricultural Leadership Foundation of Hawaii Board member, Maui United Way Board member, Chairman of the Government Affairs Committee of the Hawaii Cattlemen's Council, Director of the Maui Cattlemen's Association, and member of the United States Department of Agriculture Natural Resources Conservation Service Soil and Water Conservation Board: Olinda-Kula District.

Your Committee finds that Mr. Tavares has the background, experience, and commitment to community and public service that further qualify him for appointment to the Legacy Land Conservation Commission as a resident of Maui and possessing membership in a statewide agricultural association, pursuant to section 173A-2.4, Hawaii Revised Statutes. Testifiers commented that Mr. Tavares has been a notable asset to the Commission for over two years as it has ranked the various applications for land acquisition funds. Testifiers noted the nominee's extensive knowledge and experience as a sixth-generation Hawaii rancher and contemporary leader regarding corporate transition from plantation systems to diversified agricultural production. Your Committee further finds that the Commission will continue to benefit from the background and experience that Mr. Tavares brings to the Commission.

#### JOHN SINTON

Your Committee received testimony in support of the nomination for the appointment of John Sinton from the Department of Land and Natural Resources and four individuals.

Your Committee finds that Dr. Sinton is a volcanologist with worldly experience who previously served two terms on the Natural Area Reserves Commission and served on the Legacy Land Conservation Commission from 2013 to 2017.

Your Committee finds that Dr. Sinton has the background, experience, and commitment to public service to qualify for appointment to the Legacy Land Conservation Commission as a member possessing scientific qualifications and membership in an environmental organization, pursuant to section 173A-2.4, Hawaii Revised Statutes. Testifiers commented that Dr. Sinton provides good insight as to whether organizations have sufficient structure and organizational capacity to succeed at the land management goals they propose. Testifiers noted that he has devoted countless hours to community service projects and that his institutional knowledge, professionalism, practicality, and reputation make him a particularly welcome nominee. Your Committee further finds that the Commission will benefit from the skills and experience that Dr. Sinton will contribute to the Commission.

#### BERYL BLAICH

Your Committee received testimony in support of the nomination for the appointment of Beryl Blaich from the Department of Land and Natural Resources, National Tropical Botanical Garden, one member of the State House of Representatives, and four individuals.

Your Committee finds that Ms. Blaich is active in her community including as a member of the Manoa Valley Cultural Heritage Foundation and Kuali'i Foundation, Kīlauea Neighborhood Association, Mālama Māhā'ulepū, and Hawaiian Islands Land Trust, Kaua'i Island Council. Ms. Blaich has a background in teaching, neighborhood governance, culture, arts, and environmental concerns.

Your Committee finds that Ms. Blaich has the background, experience, and commitment to public service to qualify for appointment to the Legacy Land Conservation Commission as a member possessing scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology, pursuant to section 173A-2.4, Hawaii Revised Statutes. Testifiers commented that Ms. Blaich has served the people of Hawaii in many capacities over the years, including in the areas of environmental sustainability, public policy, and education. Testifiers noted that her education and experience in community-based planning for land use and resource management will be beneficial to the Legacy Land Conservation Program as it completes the development of a plan for the acquisition of land having value as a resource to the State. Your Committee further finds that the Commission will benefit from the skills and experience that Ms. Blaich will contribute to the Commission.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

## SCRep. 2170 Human Services on Gov. Msg. Nos. 728, 729, 730, 732, 733, 734, 735, and 736

Recommending that the Senate advise and consent to the nominations of the following:

# STATE REHABILITATION COUNCIL

G.M. No. 728	HELEN SANPEI, for a term to expire 06-30-2019;
G.M. No. 729	HELEN SANPEI, for a term to expire 06-30-2022;
G.M. No. 730	HOWARD LESSER, for a term to expire 06-30-2022;
G.M. No. 732	ARTHUR CABANILLA, for a term to expire 06-30-2021;
G.M. No. 733	JODI ASATO, for a term to expire 06-30-2022;
G.M. No. 734	MICHELE KU, for a term to expire 06-30-2021;
G.M. No. 735	TERRY-ANN MOSES, for a term to expire 06-30-2019; and
G.M. No. 736	TERRY-ANN MOSES, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Helen Sanpei, Howard Lesser, Arthur Cabanilla, Jodi Asato, Michele Ku, and Terry-Ann Moses for service on the State Rehabilitation Board.

# HELEN SANPEI

Your Committee received testimony in support of the nomination for the appointment and reappointment of Helen Sanpei from the Department of Human Services and State Rehabilitation Council.

Upon review of the testimony, your Committee finds that Ms. Sanpei's knowledge of the education system, leadership skills, and commitment to serve qualify her to be nominated for appointment and reappointment to the State Rehabilitation Council. Your Committee notes that Ms. Sanpei has been the Principal at McKinley Community School for Adults for sixteen years. Ms. Sanpei previously served as a Principal, Vice Principal, counselor, and teacher for numerous schools. Ms. Sanpei also is involved in professional and community activities and is the Chairperson and Committee Member for the Western Association of Schools and Colleges Accreditation and a Hawaii School Leadership Academy Mentor Principal. For nearly fifty years, Ms. Sanpei has been involved in the education of Hawaii's students. Your Committee therefore recommends that Ms. Sanpei be appointed and reappointed to the State Rehabilitation Council based on her decades of experience educating Hawaii's students, leadership skills, and commitment to the education community.

## **HOWARD LESSER**

Your Committee received testimony in support of the nomination for the reappointment of Howard Lesser from the Department of Human Services, State Rehabilitation Council, Hawaii Disability Rights Center, Oahu County Democrats, and one individual.

Upon review of the testimony, your Committee finds that Mr. Lesser's professional experience, background, and proven leadership on the State Rehabilitation Council qualify him to be nominated for reappointment to the State Rehabilitation Council. Your Committee notes that Mr. Lesser has worked as an advocate for individuals with diverse and significant disabilities for forty years and has distinguished himself with his dedication to this field. Mr. Lesser is also involved in the community as a member of the Children's Coordinating Council, a member of the Hawaii Diabetes Association in Hawaii, and a volunteer for the National Kidney Foundation. In his personal statement, Mr. Lesser expressed his passion for serving as the representative of the Client Assistance Program for the Council. Your Committee further finds that Mr. Lesser has been a member of the State Rehabilitation Council since 2016 and currently serves as the Council's Vice Chair. Your Committee therefore recommends that Mr. Lesser be reappointed to the State Rehabilitation Council based on his decades of experience, commitment to assisting individuals with disabilities, and prior leadership on the Council.

#### ARTHUR CABANILLA

Your Committee received testimony in support of the nomination for the reappointment of Arthur Cabanilla from the Department of Human Services; State Rehabilitation Council; and Oahu County Committee, Oahu County Democrats. Your Committee received testimony in opposition to the nomination for the reappointment of Arthur Cabanilla from two individuals.

Upon review of the testimony, your Committee finds that Mr. Cabanilla's experience and dedication to helping individuals with disabilities qualify him to be nominated for reappointment to the State Rehabilitation Council. Your Committee notes that Mr. Cabanilla is the owner and founder of Six Sense Solutions and has spent the past twenty-seven years in the disability field with a focus in assistive technology for individuals who are blind. Mr. Cabanilla has been involved with the blind community in various capacities, including as a member of the State Rehabilitation Council, an Advisory Board Member for the Library of the Blind, and President of the Hawaii Association of the Blind. In his personal statement, Mr. Cabanilla gave his sincerest assurance that he will work diligently with the other council members toward addressing the educational vocational and employment challenges for all disabled individuals in Hawaii. Your Committee therefore recommends that Mr. Cabanilla be reappointed to the State Rehabilitation Council based on his experience and commitment to public service.

## JODI ASATO

Your Committee received testimony in support of the nomination for the reappointment of Jodi Asato from the Department of Human Services and State Rehabilitation Council.

Upon review of the testimony, your Committee finds that Ms. Asato's experience and demonstrated commitment to helping individuals with disabilities qualify her to be nominated for reappointment to the State Rehabilitation Council. Your Committee notes that Ms. Asato is a Counselor at the Disability Student Services Office at the University of Hawaii at Manoa, where she is responsible for ensuring equal access for students with disabilities to all educational opportunities offered by the university, and has spent eighteen years in the disability field with a focus in assistive technology for people with disabilities of all ages. In her personal statement, Ms. Asato expressed her desire to continue to promote collaboration and build partnerships with schools and employers to give individuals with disabilities access to meaningful employment and postsecondary options. Your Committee therefore recommends that Ms. Asato be reappointed to the State Rehabilitation Council based on her knowledge, experience, and commitment to helping individuals with disabilities.

# MICHELE KU

Your Committee received testimony in support of the nomination for the reappointment of Michele Ku from the Department of Human Services and one individual. Your Committee received testimony in opposition to the nomination for the reappointment of Michele Ku from the Democratic Party of Hawaii Labor Caucus, Health Committee of the Democratic Party of Hawaii, and eight individuals. Your Committee received comments on the nomination for the reappointment of Michele Ku from one individual.

Upon review of the testimony, your Committee finds that Ms. Ku's background, commitment to advocacy, and proven leadership as the Chair of the State Rehabilitation Council qualify her to be nominated for reappointment to the State Rehabilitation Council. Ms. Ku has worked on behalf of individuals with disabilities with the Arc of Kona for fourteen years, first as the Director of Program Services, and currently as the President and Chief Executive Officer, and therefore understands the system in which individuals with disabilities need to find services and support. Your Committee notes that Ms. Ku serves as the Board Vice President for the Hawaii Island Workforce and Economic Development Ohana and is on the Board of Directors of the Hamakua Youth Foundation. Ms. Ku has extensive experience working with individuals who experience barriers to employment and is also a committed public servant with proven leadership skills. Your Committee therefore recommends that Ms. Ku be reappointed to the State Rehabilitation Counsel based on her experience, leadership, and collaborative approach to problem solving.

#### TERRY-ANN MOSES

Your Committee received testimony in support of the nomination for the appointment and reappointment of Terry-Ann Moses from the Department of Human Services and State Rehabilitation Council.

Upon review of the testimony, your Committee finds that Ms. Moses' background, advocacy skills, and commitment to helping individuals with disabilities qualify her to be nominated for appointment and reappointment to the State Rehabilitation Council. Your Committee notes that Ms. Moses is currently the Clubhouse Director of the Friendship House Clubhouse in Kapaa, Hawaii, where she provides counseling and job readiness assistance and develops business relationships to help individuals with mental illnesses obtain meaningful employment. Ms. Moses has spent over fifteen years providing services to mentally ill individuals. Most of her professional experience has been focused on providing disability related support and services, primarily for individuals with a diagnosis of mental illness. Ms. Moses is a strong advocate who is passionate about eliminating barriers for individuals with disabilities. Your Committee therefore recommends that Ms. Moses be appointed and reappointed to the State Rehabilitation Council based on her experience in mental health, community outreach, and her commitment to assist individuals with disabilities.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

#### SCRep. 2171 Agriculture and Environment on Gov. Msg. Nos. 695 and 696

Recommending that the Senate advise and consent to the nominations of the following:

## ENVIRONMENTAL COUNCIL

G.M. No. 695 RONALD TERRY, for a term to expire 06-30-2023; and

G.M. No. 696 BARBARA KAAUMOANA, for a term to expire 06-30-2023

Your Committee has reviewed the personal histories, resumes, and statements submitted by Ronald Terry and Barbara Kaaumoana for service on the Environmental Council.

#### RONALD TERRY

Your Committee received testimony in support of the nomination for the reappointment of Ronald Terry from the Office of Environmental Quality Control; Hawaii Cattlemen's Council; Hawaii Island Chamber of Commerce; Hawaiii Farm Bureau Federation; David S. De Luz, Sr. Enterprises, Inc.; and nine individuals.

Your Committee finds that Mr. Terry earned a B.A. in Geography from the University of Hawai'i at Hilo. He received a Ph.D. in Geography from Louisiana State University through a National Science Foundation grant. Mr. Terry was an Assistant Professor of Geography at the University of Hawai'i at Hilo from 1987 through 1992. Mr. Terry is an Affiliate Professor at the University of Hawai'i at Hilo and continues to occasionally lecture. Mr. Terry started his own consulting business, Geometrician Associates, in 1992 where he has prepared nearly five hundred environmental assessments, environmental impact statements, and biological reports for projects throughout the Hawaiian islands. Clients have included federal, state, and county agencies as well as private sector firms.

Your Committee further finds that Mr. Terry has served on multiple government and nonprofit boards. Some of the boards related to environmental science and policy that he has been active on include the Marine and Coastal Zone Management Advocacy Council; Mauna Kea Management Board; University of Hawai'i at Hilo Chancellor's Advisory Council and Chancellor Selection Committee; Board of Directors of the award-winning journal, Environment Hawai'i; and the State's Environmental Council since 2016. As a member of the Environmental Council, Mr. Terry has helped lead the revision of the State's administrative rules on environmental impact statements.

# BARBARA KAAUMOANA

Your Committee received testimony in support of the nomination for the reappointment of Barbara Kaaumoana from the Office of Hawaiian Affairs, Office of Environmental Quality Control, Aha Moku Advisory Committee, County of Kaua'i Office of the Mayor, one member of the state House of Representatives, Hawai'i Farm Bureau, Hawaii Cattlemen's Council, and two individuals.

Your Committee finds that Ms. Kaaumoana received her education from Stanford University. Ms. Kaaumoana has served as a nurse, special education teacher, author, volunteer, and has served as the Executive Director of the Hanalei Watershed Hui since 1999, and Vice Chair of Hui Hoʻomalu i ka ʻĀina since 2000. As the Executive Director of the Hanalei Watershed Hui, Ms. Kaaumoana has applied for and managed multiple federal and local grants related to the environment, disaster planning, and rural development.

Your Committee further finds that Ms. Kaaumoana has served on multiple government and nonprofit boards, including the Environmental Council since 2016. Some of the boards related to environmental science and policy that she has been active on and held leadership roles include the Ha'ena State Park Master Plan Advisory Committee; Kilauea Neighborhood Association; Marine and Coastal Zone Advocacy Council; United States Fish and Wildlife Service Hawaii Fish Habitat Initiative Steering Committee; and Conservation Council for Hawaii, Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council. Ms. Kaaumoana's participation in various organizations has focused on stewardship and collaborative management of the natural, cultural, and economic resources of Hawaii.

As affirmed by the records of votes of the members of your Committee on Agriculture and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

# SCRep. 2172 Agriculture and Environment on H.C.R. No. 168

The purpose and intent of this measure is to request the Department of Health to convene a task force to evaluate and identify potential sources and means of funding available to provide support for and help maintain the Hawai'i Wildlife Center facility and Hawaii's endangered wildlife.

Your Committee received testimony in support of this measure from the County of Hawai'i Office of the Mayor, Hawai'i Wildlife Center, O'ahu County Democrats Legislative Priorities Committee, and six individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that preparing for and responding to oil spill emergencies that harm native wildlife is critical to the overall well-being of the State. The Hawai'i Wildlife Center is the only facility in the State that meets all minimum requirements for accommodating large-scale rescue and rehabilitation efforts targeting sick, injured, or oiled wildlife. The Hawai'i Wildlife Center provides professional, state-of-the-art treatment for Hawaiian wildlife affected by contamination, disease, and injury. Additionally, the Center's staff has the experience and capability to manage wildlife-related response, including assessment, training, mobilization, supervision, facilities' management, and wildlife capture, handling, stabilization, and transportation. Accordingly, your Committee finds that forming a task force to research additional funding sources to help maintain the work of the Hawai'i Wildlife Center is in the best interests of the State.

Your Committee has amended this measure by:

- (1) Adding the Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee, as a co-chair of the task force:
- (2) Requesting the task force to also consider grant-in-aid funding pursuant to chapter 42F, Hawaii Revised Statutes, as an additional funding source for the Hawai'i Wildlife Center;
- (3) Amending its title; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 168, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 168, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

## SCRep. 2173 (Joint) Agriculture and Environment and Government Operations on H.C.R. No. 55

The purpose and intent of this measure is to request that the Governor convene a working group to make recommendations on the consolidation of state environmental functions and the establishment of the Department of the Environment.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and Sierra Club of Hawai'i.

Your Committees find that environmental issues, including mitigating and adapting to climate change, reducing carbon emissions, planning for sea level rise, protecting natural resources, watersheds, and coral reefs, reducing solid waste, and improving wastewater disposal, are some of the most pressing environmental issues that affect our State. Your Committees further find that the placement of environmentally-related responsibilities in different departments, divisions, agencies, and offices deprioritizes environmental issues and hinders coordination of the implementation of solutions. Your Committees therefore find that this measure requests that the Governor convene a working group to make recommendations on the consolidation of state environmental functions and the establishment of the Department of the Environment, a single, executive branch department that bears all the responsibilities for environmental issues.

Your Committees have amended this measure by:

- (1) Adding the Deputy Director for Environmental Health Administration of the Department of Health as a member of the working group; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees encourage the working group, if and when established, to also consider and address procedural issues, such as whether any constitutional amendment would be necessary to create a new department and how to restructure existing agencies to accommodate the new department.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 55, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 55, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Kanuha, Fevella).

## SCRep. 2174 (Joint) Agriculture and Environment and Energy, Economic Development, and Tourism on H.C.R. No. 25

The purpose and intent of this measure is to request that the Department of Agriculture and Hawai'i Tourism Authority report to the Legislature on the processing of the State of Hawaii Plant and Animal Declaration Forms and the costs involved with these forms.

Your Committees received testimony in support of this measure from the Hawai'i Tourism Authority, Hawai'i Farm Bureau, and O'ahu County Democrats Legislative Priorities Committee. Your Committees received comments on this measure from the Department of Agriculture, Department of Land and Natural Resources, and Office of Planning.

Your Committees find that all passengers, upon arrival to Hawaii, must complete a State of Hawaii Plant and Animal Declaration Form that requires information regarding their potential importation of any plants, including seeds and animals, and requests information regarding the passengers' visitor or resident status. Your Committees further find that the questions on, and process and cost-effectiveness of, the Plant and Animal Declaration Form can be further improved and streamlined to gain greater understanding and additional information that can lead to enhanced enforcement of plant and animal imports to further protect Hawaii from invasive species.

Your Committees have amended this measure by:

- Clarifying and correcting several findings related to when inspections of passengers' bags are conducted, where inspections of regulated commodities are conducted, and the means used to regulate the importation of plants and animals into Hawaii; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 25, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 25, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

## SCRep. 2175 Ways and Means on H.C.R. No. 137

The purpose and intent of this measure is to encourage recycling and prevent large amounts of glass waste from taking up valuable space in the State's landfills.

Specifically, this measure requests the Hawaii State Energy Office to perform a study on the feasibility of incentivizing the creation of a glass and solar panel recycling plant using funds from a fee attached to each solar panel sold in the State.

Your Committee received testimony from Organizing for Action in opposition to the measure as received by the Committee.

Prior to the hearing on the measure, your Committee posted and made available for public review a proposed Senate Draft No. 1 (Proposed Draft), which amends this measure by:

- (1) Deleting its title and contents; and
- (2) Inserting language requesting the Department of Budget and Finance to inform the President of the Senate and the Speaker of the House of Representatives within seven days of the issuance of special purpose revenue bonds.

Your Committee received comments on the Proposed Draft from the Department of Budget and Finance.

Your Committee finds that the individual projects funded by special purpose revenue bonds often affect or benefit the communities that individual legislators represent. Your Committee further finds that notifying the Legislature when these bonds are issued will allow individual legislators to keep their constituents informed about projects affecting their communities.

Your Committee has amended this measure by adopting the Proposed Draft.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 137, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 137, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Riviere, Taniguchi).

# SCRep. 2176 Ways and Means on H.C.R. No. 82

The purpose and intent of this measure is to request that the Department of Budget and Finance conduct a study on the feasibility of creating a program that would allow qualified individuals to remit registration fees on a biannual basis.

For the purposes of a public hearing, your Committee circulated a proposed S.D. 1 (Proposed Draft) of the measure and notified the public that your Committee would be accepting testimony on the Proposed Draft, which deletes the title and contents of the measure and inserts provisions that request the Department of Transportation, City and County of Honolulu, Ewa Beach Golf Course, Carmel Partners, Iroquois Point, and Ewa Beach Neighborhood Board to form a task force regarding the management of North Road.

Your Committee received testimony in support of the Proposed Draft from the Department of Transportation.

Your Committee finds that safety improvements and the unified management of North Road may be necessary to address the issues affecting North Road, including illegal dumping and a lack of regular maintenance and repairs on the road.

Your Committee has amended this measure by adopting the Proposed Draft.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 82, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 82, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Riviere, Taniguchi).

#### SCRep. 2177 Ways and Means on H.C.R. No. 193

The purpose and intent of this measure is to request that the Auditor conduct a follow-up study to its 2015 study of departmental engineering sections that manage capital improvement projects.

Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that many state capital improvement projects are burdened with issues related to design, implementation, and execution. Accordingly, your Committee believes that these capital improvement projects will benefit from improved processes and efficiencies.

Your Committee has amended this measure by:

- (1) Deleting language requesting that the Auditor include in its study a review of the implementation and effectiveness of the annual training conducted by the Comptroller; and
- (2) Removing the Comptroller from the list of persons to whom a certified copy of the measure is to be transmitted.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 193, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 193, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Riviere, Taniguchi).

## SCRep. 2178 Higher Education on H.C.R. No. 216

The purpose and intent of this measure is to support the development of college esports at the University of Hawaii.

Your Committee received testimony in support of this measure from the University of Hawai'i System and ten individuals.

Your Committee finds that electronic sports, more commonly known as esports, are video game competitions, often in organized, multiplayer video games, among professional players, individually, or as teams. Over one hundred colleges in North America have started scholarship-based esports programs that foster and develop innovative educational and work opportunities, sportsmanship, discipline, dedication, and awareness and education to avoid unhealthy gaming habits. The creation of a University of Hawaii esports program can promote career development, research, and competition amongst other universities and provide educational support for students who are interested in the growing digital gaming industry.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 216, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 216, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 2179 Higher Education on H.C.R. No. 179

The purpose and intent of this measure is to request the University of Hawaii Board of Regents to continue to support and fund the Industrial Relations Center as a valuable labor-management relations resources for the public and private sectors.

Your Committee received testimony in support of this measure from the University of Hawai'i System; Department of Labor and Industrial Relations; Industrial Relations Center, University of Hawai'i at Mānoa; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; United Public Workers, AFSCME Local 646, AFL-CIO; IBEW Local 1260; and seven individuals.

Your Committee finds that the Industrial Relations Center was created by the University of Hawaii Board of Regents in 1948 to promote the understanding of labor-management interactions, challenges, collective bargaining and mediation techniques, and public and private sector policies. Since its creation, the Industrial Relations Center has significantly contributed to the public and private sectors by successfully training more than one thousand eight hundred professionals through a series of workshops focused on collective bargaining and grievance arbitration. Your Committee further finds that as the need for the Industrial Relations Center's expertise and resources increases, it is essential to continue to support the Center in its training of public and private sector employees, contributions to the field of industrial relations research, and standing as a world class resource of information to Hawaii's community.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 179, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

# SCRep. 2180 Human Services on H.C.R. No. 36

The purpose and intent of this measure is to request the Coordinator on Homelessness and the City and County of Honolulu to come together and prioritize the homeless efforts in the area surrounding the Hawaii Children's Discovery Center by convening a task force.

Your Committee received testimony in support of this measure from the Hawaii Children's Discovery Center, Hawai'i Alpha Delta Kappa, Oahu County Committee of the Oahu County Democrats, and five individuals.

Your Committee finds that children's museums play a significant role in promoting lifelong learning and serve as important cultural resources within the community. The Hawaii Children's Discovery Center (Center) is the first and only children's museum in the State. The Center's mission is to bring information and experiences about the world to the children of Hawaii and instill in Hawaii's children pride in themselves and their ethnic and cultural heritage. The Center is a popular visitor attraction for families with children of all ages and a place where they can experience, explore, investigate, and discover things about themselves and the world around them in a creative and fun environment that includes hands-on, interactive exhibits.

Your Committee further finds that the Center has experienced extreme hardships due to the homeless population that surrounds the perimeter of the building. An inordinate amount of the Center's financial resources must be allocated for maintenance and repair issues as a result of trespassing, vandalism, and theft on the property. The safety of the children that enter and leave the Center is a concern since the areas around the Center are often unsanitary and there are reports of violence, drug dealing, crime, and other illicit behavior that goes on in the surrounding homeless encampments. Coordinated efforts by the City and State, together with social service agencies and health care providers, have not provided any long-term solution to this problem. The homeless encampments have become so detrimental to the Center and its patrons that the Center may be forced to close. This measure requests the Coordinator on Homelessness and the City and County of Honolulu to establish a task force to develop strategies to assist individuals and families facing homelessness around the Center and protect the Center from the effects of homelessness, which would allow the Center to continue to be a safe haven for families with children who are eager to come to the Center to play and learn.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 36, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

#### SCRep. 2181 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 205

The purpose and intent of this measure is to request the Department of Human Services, in consultation with the Department of Public Safety, to work with the Family Unification Working Group and other community stakeholders to develop a plan to establish visitation centers at all state correctional facilities and jails.

Your Committees received testimony in support of this measure from Department of Public Safety, Community Alliance on Prisons, Hawaii Youth Services Network, Blueprint for Change, American Civil Liberties Union of Hawai'i, O'ahu County Democrats Legislative Priorities Committee, and one individual. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental health problems, difficulty in school, and be incarcerated themselves. Regular visitation provides opportunities to sustain the parent-child bond while a parent is incarcerated, which can alleviate many of these problems. Visitation also provides benefits to the parent, including increasing the chances of successful reintegration into the community upon the parent's release. Your Committee further find that prison is not a suitable environment for children to visit their incarcerated parents. Developing a plan to establish children-friendly visitations centers in all prisons and jails will ensure the wellbeing of children of incarcerated parents, encourage visitations, and provide an opportunity to begin breaking the cycle of generational incarceration.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 205, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

## SCRep. 2182 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 96

The purpose and intent of this measure is to urge the City and County of Honolulu to work with the State in developing strategies to provide assistance to the homeless and reduce the number of homeless individuals in Waipahu.

Your Committees received testimony in support of this measure from the Oahu County Committee of the Oahu County Democrats. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness.

Your Committees find that homelessness is a statewide issue that impacts every county. Your Committees further find that although between 2017 and 2018, the number of homeless unsheltered individuals in the State decreased, the Ewa region of Oahu, which includes Waipahu, experienced an 8.2 percent increase in the number of unsheltered homeless individuals compared to the previous year. Nearly thirty percent of the homeless population in the Ewa region are in Waipahu. This measure requests the City and County of Honolulu to work with the State to develop strategies to provide assistance to the homeless and reduce the number of homeless individuals in Waipahu, which will facilitate the statewide strategy to end homelessness in the State and lead to more homeless individuals reclaiming their housing, security, health, and freedom.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 96, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3; Ayes with Reservations (Rhoads). Noes, none. Excused, 2 (Ihara, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

#### SCRep. 2183 Hawaiian Affairs on H.C.R. No. 133

The purpose and intent of this measure is to request the probate court to increase transparency regarding the Kamehameha Schools trustee selection process.

Your Committee received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee, Association of Hawaiian Civic Clubs, and two individuals. Your Committee received comments on this measure from the Democratic Party of Hawai'i Hawaiian Affairs Caucus.

Your Committee finds the governance of Kamehameha Schools rests with a Board of Trustees who provide the strategic direction necessary to fulfill the vision, mission, and values of Kamehameha Schools. The probate court chooses members of the Trustee Screening Committee as part of the trustee selection process, however concerns have been raised that the probate court has not been fully transparent regarding how members of the Trustee Screening Committee are chosen. Your Committee finds that this measure seeks to address community concerns about transparency by requesting the probate court to be transparent on how Trustee Screening Committee members are chosen and to recognize and involve Kamehameha Schools stakeholders in the process.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 133, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Kahele).

#### SCRep. 2184 Hawaiian Affairs on H.C.R. No. 188

The purpose and intent of this measure is to request the Office of Hawaiian Affairs to complete the independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries authorized by the Office of Hawaiian Affairs Board of Trustees in 2017.

Your Committee received testimony in support of this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that in February of 2017, the Office of Hawaiian Affairs Board of Trustees voted to begin the procurement process for an independent certified public accounting firm to conduct a financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries. Your Committee finds that completion of the 2017 independent financial audit and management review of the Office of Hawaiian Affairs and its subsidiaries would identify areas of waste and inefficiency and enable the Board to tailor policy changes and improve its mission implementation.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 188, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Kahele).

# SCRep. 2185 Hawaiian Affairs on H.C.R. No. 155

The purpose and intent of this measure is to urge the establishment of a Native Hawaiian intellectual property task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committee received testimony in support of this measure from the Aha Moku Advisory Committee, Oʻahu County Democrats Legislative Priorities Committee, Waimea Hawaiian Civic Club, and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the Native Hawaiian people's collective intellectual property rights are based on traditional, cultural knowledge developed over thousands of years and passed down from generation to generation. The western intellectual property system, developed to protect the rights of creators and inventors, does not adequately protect the rights of indigenous peoples to their collective, traditional knowledge, cultural expressions, and art forms. Consequently, disputes between indigenous peoples and third-party users of indigenous knowledge resources over ownership and control have steadily increased. Your Committee further finds that other indigenous peoples have developed strategies and sui generis legal frameworks or systems to protect their collective intellectual property rights and urges the establishment of a task force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Your Committee has amended this measure by amending the suggested membership of the task force to include the Aha Moku Advisory Committee.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 155, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 155, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Ihara, Kahele).

#### SCRep. 2186 Judiciary on H.C.R. No. 225

The purpose and intent of this measure is to convene the twenty-first century privacy law task force to examine and recommend laws and regulations regarding internet privacy, hacking, data breaches, and personal data, among similar internet privacy-related issues.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and American Civil Liberties Union of Hawaii.

Your Committee finds that the collection and processing of consumer information has grown exponentially in recent years. Your Committee further finds that some jurisdictions have attempted to regulate the collection, transmission, processing, protection, and storing of personal data and information in an effort to protect privacy of internet users. Your Committee additionally finds that Hawaii law and culture has a high bar for privacy when compared to other states. Your Committee also finds that the State should examine existing internet privacy laws and regulations to determine how to best protect the privacy interests of the people of Hawaii.

Your Committee has amended this measure by:

- (1) Requesting the President of the Senate to designate one member of the Senate to be a member of the task force instead of specifying the Chair of the Senate Committee on Judiciary;
- (2) Requesting that the report to the Legislature be submitted no later than December 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 225, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 225, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

#### SCRep. 2187 Judiciary on H.C.R. No. 220

The purpose and intent of this measure is to request the Attorney General to convene an autonomous vehicle legal preparation task force.

Your Committee received testimony in support of this measure from the Department of Transportation, Ulupono Initiative, Hawaii Transportation Association, Organizing for Action, Alliance of Automobile Manufacturers, 350.org Maui Nui, and eight individuals.

Your Committee finds that international companies in several locations have begun using autonomous vehicles for commercial purposes, and current autonomous vehicle industry trends suggest overwhelmingly that all autonomous vehicles will be electric, which could contribute significantly to Hawaii's clean energy goals. Your Committee further finds that although twenty-nine states and Washington D.C. have enacted legislation related to autonomous vehicles and governors in eleven states, including Hawaii, have issued executive orders related to autonomous vehicles, Hawaii law is silent with respect to autonomous vehicle testing or use. Your Committee additionally finds that adaptation of any new industry and technology presents significant legal and societal challenges. Your Committee also finds that the adaptation and testing of autonomous vehicles should be examined for the State to prepare for the legal and regulatory implications of transitioning to autonomous vehicles. This measure requests the establishment of a task force to examine these issues and make recommendations to address them.

Your Committee has amended this measure by:

- (1) Requesting the President of the Senate to designate as members of the task force three members of the Senate instead of specifying the chairs of the Senate Committee on Judiciary; Senate Committee on Commerce, Consumer Protection, and Health; and Senate Committee on Transportation;
- (2) Requesting that the preliminary report to the Legislature be submitted no later than December 1, 2019;
- (3) Requesting that the final report to the Legislature be submitted no later than December 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 220, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 220, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 5. Noes, none. Excused, none.

# SCRep. 2188 Judiciary on H.C.R. No. 218

The purpose and intent of this measure is to request a task force to review and report on the establishment of fair and proportional fines for certain penalties in Hawaii to ensure a fair and meaningful deterrent to illegal behavior for individuals across the economic spectrum.

Your Committee received testimony in support of this measure from the Drug Policy Forum of Hawaii and one individual.

Your Committee finds that penalties for some violations and infractions in all areas of law in Hawaii tend to be flat fines, including but not limited to speeding, and negligent or reckless actions. Your Committee further finds that a flat fine often serves as a meaningful deterrent only for those to whom it has a financial impact. Your Committee additionally finds that while a fine for \$200 may serve as a meaningful deterrent to illegal behavior for an individual of average means, it may require a significantly higher fine to serve as a meaningful deterrent to illegal behavior for a wealthy individual. This measure will request that a task force be established to review and report on the establishment of fair and proportional fines for certain penalties in Hawaii to ensure a fair and meaningful deterrent to illegal behavior for individuals across the economic spectrum.

Your Committee has amended this measure by:

- (1) Requesting the President of the Senate to designate one member of the Senate to be a member of the task force instead of specifying the chair of the Senate Committee on Judiciary;
- (2) Requesting that the report to the Legislature be submitted no later than December 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 218, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 218, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Wakai). Noes, none. Excused, none.

## SCRep. 2189 Judiciary on H.C.R. No. 175

The purpose and intent of this measure is to request the Department of the Attorney General to maintain a database on sex trafficking offenses.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, O'ahu County Democrats Legislative Priorities Committee, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and Harm Reduction Hawaii.

Your Committee finds that, at the present time, there is neither a method for statewide data collection nor a clear mandate for the collection, reporting, and analysis of important metrics of sex trafficking. Your Committee further finds that the State's criminal justice-service provider alliance struggles to meet the needs of domestic sex trafficking victims. Your Committee additionally finds that although Child Welfare Services has received one hundred forty reports of child sex trafficking since 2017, this data was not made publicly available until the State Commission on the Status of Women's January 2019 report Sex Trafficking in Hawai'i: the Stories of Survivors. Your Committee also finds that a central database is necessary to improve the State's sex trafficking prevention efforts by establishing systemic collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs.

Your Committee has amended this measure by:

- (1) Requesting the Hawaii State Commission on the Status of Women to maintain a database on sex trafficking offenses instead of the Department of the Attorney General;
- (2) Requesting that data relating to offenses under section 712-1200(1)(b), Hawaii Revised Statutes, be included in the database;
- (3) Making a conforming amendment to the title; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 175, H.D. 2, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 175, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 2190 Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 43

The purpose and intent of this measure is to request Hawai'i's congressional delegation and the Governor to collaborate with the Legislature to ensure expedited burials for veterans, deceased active duty members of the United States Armed Forces, and their spouses at veterans' cemeteries throughout the State.

Your Committee received testimony in support of this measure from the O'ahu County Democrats Legislative Priorities Committee and one individual. Your Committee received comments on this measure from the Office of Veterans' Services.

Your Committee finds that all United States veterans and their spouses have earned the privilege to be buried in a veterans' cemetery, and all decedents deserve the highest standards for burials. Furthermore, just as the proper burial of a deceased Native Hawaiian is an important sacred practice, rite, and right, your Committee finds that burials of all deceased veterans, active duty members, and their spouses are important and that collaboration is necessary to ensure proper burials without administrative delay.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 43, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Harimoto).

## SCRep. 2191 (Majority) Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 89

The purpose and intent of this measure is to request the United States Congress to enact legislation to remove cannabis from the federal Controlled Substances Act and facilitate the full spectrum of private banking services for cannabis-related business.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Drug Policy Action Group, Drug Policy Forum of Hawaii, and Oʻahu County Democrats Legislative Priorities Committee. Your Committee received testimony in opposition to this measure from the Maui Police Department. Your Committee received comments on this measure from the Akamai Cannabis Clinic.

Your Committee finds that Act 228, Session Laws of Hawaii 2000, authorized the acquisition, possession, and use of medical cannabis, and Act 241, Session Laws of Hawaii 2015, authorized the establishment and regulation of medical cannabis dispensaries. Your Committee further finds that Hawaii's medical cannabis dispensaries and other cannabis-related businesses are hampered by the inability to obtain the full spectrum of private banking services under federal law. Your Committee believes that federal legislation to remove cannabis from the federal Controlled Substances Act would allow medical cannabis dispensaries and other cannabis-related businesses to operate without the threat of federal seizures, forfeitures, arrests, and other enforcement and prosecutorial actions.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 89, and recommends its adoption.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Harimoto).

#### SCRep. 2192 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on H.C.R. No. 214

The purpose and intent of this measure is to request the United States Department of the Treasury to expedite the process of designing the new \$5, \$10, and \$20 banknotes to celebrate one hundred years of women's suffrage and fulfill the Secretary of the Treasury's commitment to introduce Harriet Tubman and other female and civil rights leaders onto United States currency by 2020.

Your Committees received testimony in support of this measure from the Community Alliance on Prisons, University of Hawai'i Chapter of the National Black Law Student Association, O'ahu County Democrats Legislative Priorities Committee, Honolulu-Hawaii Branch of the National Association for the Advancement of Colored People, American Civil Liberties Union of Hawaii, and eight individuals.

Your Committees find that, as defined by the United States Department of the Treasury, the criteria for representation on a United States bank note is that the portraits on banknotes shall be of deceased persons whose places in history the American people know well. Your Committees further find that Harriet Tubman was born into slavery, spent the bulk of her life as a leading abolitionist advocate and suffragist, and the American people know of her historic courage and accomplishments. In order to celebrate one hundred years of women's suffrage and to fulfill the Secretary of the Treasury's commitment to update the \$5, \$10, and \$20 banknotes to include Harriet Tubman, along with other suffrage and civil rights leaders, your Committees believe that the process of designing the new banknotes should be expedited.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 214, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Kim).

## SCRep. 2193 Higher Education on S.R. No. 149

The purpose and intent of this measure is to urge the University of Hawaii to incorporate as part of its 2015-2025 UH Manoa Strategic Plan the Association of American Universities membership phase I and II indicators, as appropriate, as a means to establish goals and metrics for the University's continued pursuit to be amongst the most prestigious research institutions in the nation.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 retained various provisions of this measure and also inserted provisions that:

- Discuss the existing faculty classification system at the University of Hawaii and the importance of instruction and teaching for its faculty; and
- (2) Request the University of Hawaii Board of Regents to:
  - (A) Review and conform the classification of its faculty to ensure greater alignment with the mission and purpose of the University;
  - (B) Review and report on teaching equivalents; and
  - (C) Submit a report and follow-up report to the Legislature prior to the Regular Sessions of 2020 and 2021, respectively.

Your Committee received testimony in support of the proposed S.D. 1 from one individual. Your Committee received comments on the proposed S.D. 1 from the University of Hawai'i System and one individual.

Your Committee finds that the University of Hawaii at Manoa, the flagship campus of the only public university in the State, serves a diverse community of students and public and private stakeholders, provides a world-class education, and performs scholarly work and service in areas of critical importance to Hawaii, the United States, and the entire Asia Pacific region. Since the University of Hawaii at Manoa is a major research university and categorized as Research 1 or R1, it has the potential to become a member of the Association of American Universities (AAU), an association of leading comprehensive research universities distinguished by the quality of their research programs and graduate education. Aligning the University's goals and metrics with the Membership Principles and Membership Indicators of the AAU would place the University of Hawaii at Manoa amongst the highest ranked universities in the nation.

Your Committee further finds that the Board of Regents is required to classify all faculty members at the University of Hawaii, of which there are currently seven faculty classifications. These classifications may need to be reviewed to ensure that they are consistent with contemporary national practices. Furthermore, although the University of Hawaii is a research institution, instruction is the University of Hawaii's highest priority, and teaching remains the most important duty of its faculty. Since Regent Policies are reviewed every three years, with the next scheduled review to take place in 2020, your Committee additionally finds that this provides

a good opportunity for the University of Hawaii Board of Regents to review the classification and teaching responsibilities of faculty at the University to ensure that faculty are fulfilling their teaching duties and that students are provided with high-quality education.

Your Committee has amended this measure by adopting the proposed S.D. 1 and making further technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 149, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 149, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Kahele).

#### SCRep. 2194 Higher Education on S.R. No. 134

The purpose and intent of this measure is to request the William S. Richardson School of Law to convene a task force to study and report on a loan forgiveness program for law students to provide incentives for legal assistance in rural communities in Hawaii.

Your Committee received testimony in support of this measure from the Oahu County Committee of the Oahu County Democrats.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language that:

- Discusses provisions and concerns related to public agency meetings and records, including public notice requirements for the University of Hawaii Board of Regents; and
- (2) Urges the University of Hawaii Board of Regents to follow and abide by the public notice requirements for its meetings and to record more detailed minutes of its meetings.

Your Committee received testimony in support of the proposed S.D. 1 from one individual. Your Committee received comments on the proposed S.D. 1 from the Office of the Board of Regents of the University of Hawai'i and The Civil Beat Law Center for the Public Interest.

Your Committee finds that the affairs of the University of Hawaii fall under the general management and control of the Board of Regents, who have exclusive jurisdiction over the internal structure, management, and operation of the university. While the Board of Regents has jurisdiction over certain matters, the Hawaii State Constitution is clear that the Legislature maintains its jurisdiction over matters of statewide concern, including adherence to the State's Sunshine Law. Therefore, it is critical that the Board of Regents consistently follow public notice requirements and provide sufficient details as to what transpired at the meeting to ensure transparency and public accountability regarding its decisions related to the management and operations of the University of Hawaii.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Urging the University of Hawaii Board of Regents to consider posting hearing notices for its meetings earlier than the minimum number of days required, including but not limited to at least six full days;
- (2) Amending the title in accord with its amended purpose; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 134, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 134, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 2195 Judiciary on Gov. Msg. No. 557

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF REGISTRATION OF THE ISLANDS OF KAUA'I AND NI'IHAU

G.M. No. 557 ADA HENNE-KOENE, for a term to expire 06-30-2022

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Ada Henne-Koene to possess the requisite qualifications to be nominated for appointment to the Board of Registration of the Islands of Kaua'i and Ni'ihau.

Your Committee did not receive any testimony on the nomination of Ada Henne-Koene.

Upon review of the statement submitted by the nominee, your Committee finds that Ms. Henne-Koene's experience and commitment to the community qualify her to be nominated for appointment to the Board of Registration of the Islands of Kaua'i and Ni'ihau. Your Committee notes that she has served on the Board for two elections, and worked as a precinct assistant for four elections prior to that. She also has extensive experience as an office manager, administrative assistant, and editor for numerous international enterprises. Your Committee finds that Ms. Henne-Koene's administrative experience and knowledge of the election process will be valuable assets to the Board of Registration of Kaua'i and Ni'ihau.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Wakai).

#### SCRep. 2196 Judiciary on Gov. Msg. No. 651

Recommending that the Senate advise and consent to the nomination of the following:

#### CIVIL RIGHTS COMMISSION

G.M. No. 651 JON MATSUOKA, for a term to expire 06-30-2023

Your Committee has reviewed the personal history, curriculum vitae, and statement submitted by the nominee and finds Jon Matsuoka to possess the requisite qualifications to be nominated for appointment to the Hawaii Civil Rights Commission.

Your Committee received testimony in support of the nomination for the appointment of Jon Matsuoka from Hawai'i Friends of Civil Rights and two individuals.

Upon review of the testimony, your Committee finds that Mr. Matsuoka's extensive experience as an advocate and educator; knowledge of cultural, economic, and historical issues; and commitment to social justice and equal rights qualify him to be nominated for appointment to the Hawaii Civil Rights Commission. Your Committee notes that Mr. Matsuoka started his professional career as a faculty member of the Myron B. Thompson School of Social Work at the University of Hawai'i. In 2000, he was appointed as Dean, a position he held for ten years. He went on to serve as the President and Chief Executive Officer of the Consuelo Foundation. Your Committee further notes that Mr. Matsuoka is currently a member of the Board of Directors of the Papakolea Community Development Corporation and serves on the Board of Directors of the Native Hawaiian Legal Corporation. He is also a former member of the Hawai'i State Supreme Court Commission on Access to Justice's Subcommittee on Alleviating Poverty in Hawai'i. Your Committee finds that Mr. Matsuoka's experience, dedication to advocacy and social justice, and commitment to serving the community will be great assets to the Hawaii Civil Rights Commission.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Wakai).

## SCRep. 2197 Judiciary on Gov. Msg. No. 700

Recommending that the Senate advise and consent to the nomination of the following:

#### COMMISSION TO PROMOTE UNIFORM LEGISLATION

G.M. No. 700 BLAKE OSHIRO, for a term to expire 06-30-2023

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Blake Oshiro to possess the requisite qualifications to be nominated for appointment to the Commission to Promote Uniform Legislation.

Your Committee received testimony in support of the nomination of Blake Oshiro from the Department of the Attorney General; Oahu County Committee of the Oahu County Democrats; Hawaii Friends of Civil Rights; G.A. Morris, Inc.; and eleven individuals.

Upon review of the testimony, your Committee finds that Mr. Oshiro's experience as a legislator and practicing attorney, as well as his legal expertise and familiarity with issues affecting Hawaii qualify him for nomination to be appointed to the Commission to Promote Uniform Legislation. Your Committee notes that Mr. Oshiro served as the Representative of District 33 in the state House of Representatives from 2000 until 2011, and as the Deputy Chief of Staff in the Office of the Governor from December 2011 to December 2014. He is currently the Executive Vice President of Capitol Consultants of Hawai'i and has been involved in government relations, lobbying, and legislative and legal work. Your Committee finds that Mr. Oshiro's extensive experience with the legislative process and familiarity with issues that require uniform legislation will be great assets to the Commission to Promote Uniform Legislation.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Wakai).

## SCRep. 2198 Judiciary on Gov. Msg. No. 711

Recommending that the Senate advise and consent to the nomination of the following:

## COMMISSION ON THE STATUS OF WOMEN

G.M. No. 711 DEJA OSTROWSKI, for a term to expire 06-30-2022

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Deja Ostrowski to possess the requisite qualifications to be nominated for appointment to the Hawai'i State Commission on the Status of Women.

Your Committee received testimony in support of the nomination for the appointment of Deja Ostrowski from the Hawai'i State Commission on the Status of Women, Office of Hawaiian Affairs, Oahu County Committee of the Oahu County Democrats, and twenty-three individuals.

Upon review of the testimony, your Committee finds that Ms. Ostrowski's legal and policy experience, administrative expertise, and commitment to advocacy qualify her to be nominated for appointment to the Hawai'i State Commission on the Status of Women. Your Committee notes that Ms. Ostrowski has served as the Public Policy Advocate for the Office of Hawaiian Affairs and as a staff attorney for the Domestic Violence Action Center. Currently, she is a practicing attorney with the Medical-Legal Partnership Hawai'i, where she advocates on behalf of women exiting incarceration, women who are unsheltered and housing insecure, women with physical and mental disabilities, and survivors of domestic violence. Your Committee finds that Ms. Ostrowski's extensive knowledge of the numerous legal and policy issues facing women in the State, experience working with indigent and marginalized women, and dedication to public service will be great assets to the Hawai'i State Commission on the Status of Women.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Wakai).

## SCRep. 2199 Judiciary on Gov. Msg. Nos. 544 and 545

Recommending that the Senate advise and consent to the nominations of the following:

## COMMISSION TO PROMOTE UNIFORM LEGISLATION

G.M. No. 544 ELIZABETH KENT, for a term to expire 06-30-2022; and

G.M. No. 545 LANI EWART, for a term to expire 06-30-2021

Your Committee has reviewed the personal histories, resumes, and statements submitted by the nominees and finds Elizabeth Kent and Lani Ewart to possess the requisite qualifications to be nominated for reappointment to the Commission to Promote Uniform Legislation.

#### ELIZABETH KENT

Your Committee received testimony in support of the nomination for the reappointment of Elizabeth Kent from the Department of the Attorney General and nine individuals.

Upon review of the testimony, your Committee finds that Ms. Kent's experience as an attorney and mediator, familiarity with governmental administration and alternative dispute resolution, and commitment to the promotion of just uniform legislation qualify her to be nominated for reappointment to the Commission to Promote Uniform Legislation. Your Committee notes that Ms. Kent has been the sole proprietor of an alternative dispute resolution business since 2013, and prior to that was Director of the Hawaii Judiciary's Center for Alternative Dispute Resolution. Ms. Kent has also served on the Commission to Promote Uniform Legislation as part of Hawaii's representation on the National Conference of Commissioners on Uniform State Laws since 1998, and has worked on numerous model Acts that have subsequently been enacted in the State. Your Committee finds that Ms. Kent's experience as a mediator and commissioner as well as her dedication to the implementation of uniform legislation that takes into account the needs of Hawaii's communities will continue to be great assets to the Commission to Promote Uniform Legislation.

#### LANI EWART

Your Committee received testimony in support of the nomination for the reappointment of Lani Ewart from the Department of the Attorney General and five individuals.

Upon review of the testimony, your Committee finds that Ms. Ewart's experience as an attorney and extensive tenure of service as a Commissioner to the Commission to Promote Uniform Legislation qualify her to be nominated for reappointment to the Commission. Your Committee notes that Ms. Ewart has served continuously on the Commission to Promote Uniform Legislation since 1977, and is presently the Chair of the Commission. Additionally, in recognition of her dedicated service to the promotion of uniform laws, Ms. Ewart was elected to life membership in the National Conference of Commissioners on Uniform State Laws in 1998, and was the first female commissioner to be elected to life membership. In her tenure of service on the National Conference of Commissioners on Uniform State Laws, she has been a member of several study and drafting committees, and has worked on numerous model Acts that have subsequently been enacted in Hawaii and other jurisdictions. Your Committee finds that Ms. Ewart's legal expertise and extensive experience as a Commissioner will continue to be great assets to the Commission to Promote Uniform Legislation.

As affirmed by the records of votes of the members of your Committee on Judiciary that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

## SCRep. 2200 Judiciary on Gov. Msg. No. 556

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF REGISTRATION OF THE ISLAND OF HAWAI'I

G.M. No. 556 LORRAINE SHIN, for a term to expire 06-30-2021

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Lorraine Shin to possess the requisite qualifications to be nominated for appointment to the Board of Registration of the Island of Hawai'i.

Your Committee did not receive any testimony on the nomination of Lorraine Shin.

Upon review of the personal history, resume, and statement submitted by the nominee, your Committee finds that Ms. Shin's experience with the electoral process and her leadership in the community qualify her to be nominated for appointment to the Board of Registration of the Island of Hawai'i. Your Committee notes that Ms. Shin has been involved with political campaigns for over twenty years and has knowledge of and experience with the electoral process and polling. Ms. Shin has also run for elected office on three occasions and therefore understands the importance of the role of the Board of Registration from that unique perspective. Ms. Shin currently serves on the Board of Registration of the Island of Hawai'i, and she is actively involved in numerous service and volunteer organizations in the community. Your Committee finds that Ms. Shin's experience in the electoral process and dedicated service to the community will be great assets to the Board of Registration of the Island of Hawai'i.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

#### SCRep. 2201 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 611 and 701

Recommending that the Senate advise and consent to the nominations of the following:

## BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS

G.M. No. 611 ALAN INABA, for a term to expire 06-30-2023; and

G.M. No. 701 ROBERTO YUMOL, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Alan Inaba and Roberto Yumol for service on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

#### **ALAN INABA**

Your Committee received testimony in support of the nomination for the reappointment of Alan Inaba from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects and four individuals.

Upon review of the testimony, your Committee finds that Mr. Inaba's background, experience, and proven leadership on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects qualify him to be nominated for reappointment to the Board as a professional land surveyor member. Your Committee notes that Mr. Inaba has been a licensed professional land surveyor in Hawaii since 1984 and is the principal land surveyor for Inaba Engineering, Inc., a well-established family business that provides surveying and engineering services in Hilo, Hawaii. Mr. Inaba is also active in his community and for six years served as a member of the Hawaii Community College Career and Technical Education Advisory Council, where he advised students in the Architectural, Engineering, and CAD Technologies program. Your Committee further finds that Mr. Inaba has been a member of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects since January 2016, and his experience in the field of land surveying continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Inaba be reappointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his knowledge, background, and commitment to public service.

# ROBERTO YUMOL

Your Committee received testimony in support of the nomination for the reappointment of Robert Yumol from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; BKF and Associates, LLC; and one individual.

Upon review of the testimony, your Committee finds that Mr. Yumol's background, knowledge, and proven experience on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects qualify him to be nominated for reappointment to the Board as a professional architect member. Your Committee notes that Mr. Yumol has been licensed as an architect in Hawaii since 1987 and has over forty years of experience in his field. Mr. Yumol has been involved in the design and management of numerous projects throughout his career, including hotels, high-rise condominiums, office buildings, medical facilities, and custom single family and multi-family dwellings. Mr. Yumol is also active in numerous professional organizations. Your Committee further finds that Mr. Yumol has been a member of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects since June 2017, currently serves as the Board's Chair, and his insights as an architect continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Yumol be reappointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his background, experience, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

# SCRep. 2202 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 683, 684, and 699

Recommending that the Senate advise and consent to the nominations of the following:

#### HAWAI'I BOARD OF OPTOMETRY

G.M. No. 683 WALLACE KOJIMA, for a term to expire 06-30-2023;

G.M. No. 684 SEULYN AU, for a term to expire 06-30-2023; and

G.M. No. 699 ROBB SHIBAYAMA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Wallace Kojima, Seulyn Au, and Robb Shibayama for service on the Hawaii Board of Optometry.

## WALLACE KOJIMA

Your Committee received testimony in support of the nomination for the appointment of Wallace Kojima from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Dr. Kojima's experience, background, and dedication to community service qualify him to be nominated for appointment to the Hawaii Board of Optometry as a licensed optometrist member. Your Committee notes that Dr. Kojima has been a licensed optometrist for over thirty years and has been in private practice in Kailua-Kona, Hawaii since 2004. Prior to starting his private practice, Dr. Kojima was a managing optometrist for LensCrafters in California, where he was one of twelve optometrists across the nation selected to serve on LensCrafter's Optometric Advisory Committee. Dr. Kojima has practiced in many different settings during his career, including the military, in a corporate setting, and private practice, and has developed a wealth of experience in his field. Your Committee further finds that Dr. Kojima has a thorough understanding of the role and responsibilities of board members and his experience as a practitioner and his knowledge of optical retail will be an asset to the Hawaii Board of Optometry. Your Committee therefore recommends that Dr. Kojima be appointed to the Hawaii Board of Optometry based on his experience, background, and commitment to public service.

#### SEULYN AU

Your Committee received testimony in support of the nomination for the reappointment of Seulyn Au from the Hawaii Board of Optometry, Hawaii Optometric Association, and one individual.

Upon review of the testimony, your Committee finds that Dr. Au's background, experience, and proven leadership on the Hawaii Board of Optometry qualify her to be nominated for reappointment to the Hawaii Board of Optometry as a licensed optometrist member. Your Committee notes that Dr. Au has been a licensed optometrist in Hawaii since 1984 and is the founder and managing optometrist for Waikiki Health Center and Kokua Kalihi Valley, which are non-profit optometry programs serving low-income earners. Dr. Au also founded and managed the Kalihi-Palama Optometry Clinic, the State's first non-profit eye clinic that provides eye care to homeless and medically-underserved residents. Dr. Au is actively involved with her community, including her prior leadership roles for Palama Settlement and serving as a member of the Board of Directors for the National Kidney Foundation. Your Committee further finds that Dr. Au has been a member of the Hawaii Board of Optometry since 2015, and her knowledge and experience continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Au be reappointed to the Hawaii Board of Optometry based on her knowledge, experience, and dedication to public service.

#### **ROBB SHIBAYAMA**

Your Committee received testimony in support of the nomination for the reappointment of Robb Shibayama from the Hawaii Board of Optometry, Hawaii Optometric Association, and one individual.

Upon review of the testimony, your Committee finds that Dr. Shibayama's experience, knowledge, and proven leadership on the Hawaii Board of Optometry qualify him to be nominated for reappointment to the Hawaii Board of Optometry as a licensed optometrist member. Your Committee notes that Dr. Shibayama has been licensed as an optometrist in Hawaii since 2000 and practices comprehensive medical-based optometry at Hawaii Vision Associates, the largest optometric group in the State. Dr. Shibayama has experience in private practice, commercial, and hospital-based optometry. Dr. Shibayama is board-certified by the National Board of Examiners in Optometry, holds a Certification for Treatment and Management of Ocular Disease, and is a member of the Hawaii Optometric Association and American Optometric Association. Your Committee further finds that Dr. Shibayama has been a member of the Hawaii Board of Optometry since 2017 and has acted as the Board's Vice Chair since July 2018 and his experience and leadership continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Shibayama be reappointed to the Hawaii Board of Optometry based on his experience, background, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

## SCRep. 2203 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 697 and 698

Recommending that the Senate advise and consent to the nominations of the following:

## MOTOR VEHICLE REPAIR INDUSTRY BOARD

G.M. No. 697 STUART LAU, for a term to expire 06-30-2023; and

G.M. No. 698 ROBERT FIGAROA, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Stuart Lau and Robert Figaroa for service on the Motor Vehicle Repair Industry Board.

#### STUART LAU

Your Committee received testimony in support of the nomination for the reappointment of Stuart Lau from the Motor Vehicle Repair Industry Board and two individuals.

Upon review of the testimony, your Committee finds that Mr. Lau's background, experience, and proven leadership on the Motor Vehicle Repair Industry Board qualify him to be nominated for reappointment to the Motor Vehicle Repair Industry Board as a public member. Your Committee notes that Mr. Lau is an owner and property manager for a number of properties, including properties held by Queen Emma Land Company. Mr. Lau has many years of experience in property management, including tenant leasing, management, repair and maintenance, renegotiations, and arbitration. Mr. Lau also has a strong public service background and previously served as a member of the Motor Vehicle Repair Industry Board from 1994 until 2002, including time as Chair, and as a member of the Hawaii Board of Dental Examiners from 2002 to 2006. Your Committee further finds that Mr. Lau has been a member of the Motor Vehicle Repair Industry Board since July 2017, and his insight from the public consumer perspective continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Lau be reappointed to the Motor Vehicle Repair Industry Board based on his background, experience, and commitment to public service.

#### ROBERT FIGAROA

Your Committee received testimony in support of the nomination for the reappointment of Robert Figaroa from the Motor Vehicle Repair Industry Board.

Upon review of the testimony, your Committee finds that Mr. Figaroa's background, knowledge, and proven leadership on the Motor Vehicle Repair Industry Board qualify him to be nominated for reappointment to the Motor Vehicle Repair Industry Board as an industry member. Your Committee notes that Mr. Figaroa is a certified mechanic and is the owner of Impulse Repairs, LLC in Kapolei, Hawaii. Mr. Figaroa is also a Master Technician for automotive and heavy vehicles, an Automotive Service Excellence-certified technician, a certified structural welder, and a motivational speaker. Your Committee further notes that Mr. Figaroa has served on the Motor Vehicle Repair Industry Board since July 2015, currently serves as the Board's Chair, and his experience in the motor vehicle repair industry combined with his diverse background continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Figaroa be reappointed to the Motor Vehicle Repair Industry Board based on his knowledge, experience, and commitment to his industry and public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 2204 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 702, 703, and 705

Recommending that the Senate advise and consent to the nominations of the following:

## **BOARD OF DENTISTRY**

G.M. No. 702 GEORGE WESSBERG, for a term to expire 06-30-2019;

G.M. No. 703 GEORGE WESSBERG, for a term to expire 06-30-2023; and

G.M. No. 705 JOYCE YAMADA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by George Wessberg and Joyce Yamada for service on the Board of Dentistry.

## GEORGE WESSBERG

Your Committee received testimony in support of the nomination for the appointment and reappointment of George Wessberg from the Department of Commerce and Consumer Affairs, Hawaii Dental Association, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Wessberg's background, experience, and dedication to community service qualify him to be nominated for appointment and reappointment to the Board of Dentistry as a dentist member. Your Committee notes that Dr. Wessberg is an oral and maxillofacial surgeon with thirty-eight years of experience in private practice. Dr. Wessberg also previously served as Chief of Oral Surgery at The Queen's Medical Center and Chief of Dentistry at Kapiolani Medical Center. Dr. Wessberg is active in numerous professional organizations; has served as the past President of the Hawaii Society of Oral and Maxillofacial Surgeons and Director of Hawaii Dental Service; and has been a member of the Regulated Industries Complaints Office's Advisory Committee for nearly twenty years. Your Committee further finds that Dr. Wessberg has a thorough understanding of the role and responsibilities of board members and recommends that Dr. Wessberg be appointed and reappointed to the Board of Dentistry based on his knowledge, experience, and dedication to serving his community.

## JOYCE YAMADA

Your Committee received testimony in support of the nomination for the appointment of Joyce Yamada from the Department of Commerce and Consumer Affairs, University of Hawai'i Kapi'olani Community College, and one individual.

Upon review of the testimony, your Committee finds that Ms. Yamada's background, experience, and desire to serve the community qualify her to be nominated for appointment to the Board of Dentistry as a dental hygienist member. Your Committee notes that Ms. Yamada has been working as a dental hygienist in Hawaii since 1985; is a certified dental assistant; and has held various roles at the University of Hawaii Maui College since 2002. Ms. Yamada is an active participant within her community and profession, including as a member and former officer of the Maui County Dental Hygienists' Association, and is an advocate for dental health, including launching community outreach initiatives for Maui's kupuna. Your Committee further finds that Ms. Yamada has a thorough understanding of the roles and responsibilities of board members and her extensive experience as a dental hygienist will be an asset to

the Board of Dentistry. Your Committee therefore recommends that Ms. Yamada be appointed to the Board of Dentistry based on her background, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

## SCRep. 2205 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 642 and 646

Recommending that the Senate advise and consent to the nominations of the following:

#### DISABILITY AND COMMUNICATION ACCESS BOARD

G.M. No. 642 AMY TSUJI-JONES, for a term to expire 06-30-2023; and

G.M. No. 646 WILLIAM BOW, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Amy Tsuji-Jones and William Bow for service on the Disability and Communication Access Board.

# AMY TSUJI-JONES

Your Committee received testimony in support of the nomination for the reappointment of Amy Tsuji-Jones from the Disability and Communication Access Board.

Upon review of the testimony, your Committee finds that Amy Tsuji-Jones' background and knowledge qualify her to be nominated for reappointment to the Disability and Communication Access Board in the capacity of an individual with a disability. Your Committee notes that Ms. Tsuji-Jones, who is deaf herself, has spent her career working and advocating for the deaf and hard of hearing community. Ms. Tsuji-Jones is a Certified Deaf Interpreter and has taken multiple advocacy trainings; has over twenty years of experience as a teacher of deaf and hard of hearing students; and is a Freelance Contractor who gives deaf advocacy trainings and workshops for schools, agencies, and organizations. Your Committee further finds that Ms. Tsuji-Jones has served on the Disability and Communication Access Board since 2018 and has made valuable contributions to the Board's efforts to update the sign language interpreter credentialing process. Your Committee therefore recommends that Ms. Tsuji-Jones be reappointed to the Disability and Communication Access Board based on her knowledge, experience, and dedication to serving her community.

#### WILLIAM BOW

Your Committee received testimony in support of the nomination for the reappointment of William Bow from the Disability and Communication Access Board, Market City Limited, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Bow's background, knowledge, and proven experience on the Disability and Communication Access Board qualify him to be nominated for reappointment to the Disability and Communication Access Board. Your Committee notes that Mr. Bow is an engineer with over forty years of civil engineering experience in planning, design, and construction administration and is the President and Principal Engineer of Bow Engineering and Development, Inc. Over the course of his career, Mr. Bow has designed numerous Americans with Disabilities Act compliant engineering projects, including walkways and parking lots. Your Committee further finds that Mr. Bow has been a member of the Disability and Communication Access Board since 2016 and has been instrumental in the transition of the Board's Facility Access Unit from general to special funds and self-sufficiency and his expertise in project management will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Bow be reappointed to the Disability and Communication Access Board based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 2206 Commerce, Consumer Protection, and Health on Gov. Msg. No. 628

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF PRIVATE DETECTIVES AND GUARDS

G.M. No. 628 TIVOLI FAAUMU, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Tivoli Faaumu for service on the Board of Private Detectives and Guards.

Your Committee received testimony in support of the nomination for the reappointment of Tivoli Faaumu from the Department of Public Safety, Board of Private Detectives and Guards, County of Hawai'i Police Department, County of Maui Police Department, Hawaii High Intensity Drug Trafficking Area, and one individual.

Upon review of the testimony, your Committee finds that Police Chief Faaumu's background, experience, and proven leadership on the Board of Private Detectives and Guards as a chief of police member. Your Committee notes that Police Chief Faaumu has over thirty-three years of experience in law enforcement, is the Maui Police Department's current Chief of Police, and is an active, dedicated, and well-respected member of the State's law enforcement community. Police Chief Faaumu is also a retired veteran of the United States Army Reserve and is active in his community on Maui, including serving as a board member for the Boys & Girls Clubs of Maui, Boy Scouts of America, and County of Maui Red Cross Advisory Board. Your Committee further finds that Police Chief Faaumu has served on the Board of Private Detectives and Guards since December 2016, and his extensive law enforcement experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Police Chief Faaumu be reappointed to the Board of Private Detectives and Guards based on his experience, background, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

Tyes, 4. Troes, none. Excused, 5 (Chang, Reconoratore, Timeten).

#### SCRep. 2207 Commerce, Consumer Protection, and Health on Gov. Msg. No. 685

Recommending that the Senate advise and consent to the nomination of the following:

## STATE BOARD OF NURSING

G.M. No. 685 TAMMIE NAPOLEON, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Tammie Napoleon for service on the State Board of Nursing.

Your Committee received testimony in support of the nomination for the reappointment of Tammie Napoleon from the Board of Nursing, Hawai'i State Center for Nursing, and one individual.

Upon review of the testimony, your Committee finds that Dr. Napoleon's background, experience, and proven leadership on the State Board of Nursing qualify her to be nominated for reappointment to the State Board of Nursing as a licensee member representing Kauai County. Your Committee notes that Dr. Napoleon has over twenty years of experience in the nursing profession, beginning as a licensed practical nurse and completing her doctorate of nursing practice in 2016. Dr. Napoleon has been a Professor of Nursing since 2005 at Kauai Community College, where she also serves as the Health Education Division Chair and previously served as Co-Chair of the Curriculum Committee. Dr. Napoleon also serves as a Nurse Practitioner at the College's Wellness Center – Adolescent Health and sassists family practice physicians with patient care at Kapa'a Family Physicians. Your Committee further finds that Dr. Napoleon has been a member of the State Board of Nursing since 2015, and her experience in a variety of health care settings and perspective as a nursing educator continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Napoleon be reappointed to the State Board of Nursing based on her knowledge, professional experience, and commitment to serving the public.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

# SCRep. 2208 Commerce, Consumer Protection, and Health on Gov. Msg. No. 718

Recommending that the Senate advise and consent to the nomination of the following:

#### HAWAI'I MEDICAL BOARD

G.M. No. 718 ANDREW FONG, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Andrew Fong for service on the Hawaii Medical

Your Committee received testimony in support of the nomination for the appointment of Andrew Fong from the Department of Commerce and Consumer Affairs; Hawaii Permanente Medical Group, Inc.; Kaiser Permanente; and three individuals.

Upon review of the testimony, your Committee finds that Dr. Fong's experience, background, and dedication to public service qualify him for appointment to the Hawaii Medical Board as a physician member. Your Committee finds that Dr. Fong has been a pediatrician with Hawaii Permanente Medical Group since 1998, currently serves as Kaiser Permanente's physician-in-charge of Hawaii island, and is board-certified by the American Board of Pediatrics. In his role as physician-in-charge, Dr. Fong oversees clinical operations at Kaiser Permanente's Hilo, Waimea, and Kona clinics and has helped to create patient-centered care experiences for over thirty thousand members on Hawaii island. Dr. Fong has also served on the credentialing committee for Kona Community Hospital. Your Committee further finds that Dr. Fong has a thorough understanding of the roles and responsibilities of board members and his experience on the mainland and Hawaii island, including rural areas, will be an asset to the Hawaii Medical Board. Your Committee therefore recommends that Dr. Fong be appointed to the Hawaii Medical Board based on his experience, background, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 2209 Commerce, Consumer Protection, and Health on Gov. Msg. No. 719

Recommending that the Senate advise and consent to the nomination of the following:

## HAWAI'I BOARD OF CHIROPRACTIC

G.M. No. 719 PAT HOLT, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Pat Holt for service on the Hawaii Board of Chiropractic.

Your Committee received testimony in support of the nomination for the appointment of Pat Holt from the Department of Commerce and Consumer Affairs and five individuals.

Upon review of the testimony, your Committee finds that Ms. Holt's background and dedication to public service qualify her to be nominated for appointment to the Hawaii Board of Chiropractic as a public member. Your Committee notes that Ms. Holt has a diverse background and has built a solid foundation of career experiences, including working as a substitute teacher, business owner, and yoga instructor, and thirty years of experience in real estate. Ms. Holt has also served on community based associations and condominium/cooperative boards, including serving as former President of the Kalia Board of Directors. Your Committee further finds that Ms. Holt has a thorough understanding of the roles and responsibilities of board members and her insights from the public consumer perspective will be an asset to the Hawaii Board of Chiropractic. Your Committee therefore recommends that Ms. Holt be appointed to the Hawaii Board of Chiropractic based on her background, knowledge, and commitment to serving the public.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

## SCRep. 2210 Commerce, Consumer Protection, and Health on Gov. Msg. No. 586

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS

G.M. No. 586 ERIC OKAZAKI, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Eric Okazaki for service on the Board of Certification of Public Water System Operators.

Your Committee received testimony in support of the nomination for the appointment Eric Okazaki from the Department of Health and County of Maui Department of Water Supply.

Upon review of the testimony, your Committee finds that Mr. Okazaki's background and experience qualify him to be nominated for appointment to the Board of Certification of Public Water System Operators. Your Committee notes that Mr. Okazaki has over thirty years of experience in the water industry, including twenty years of experience in the management of water systems. Mr. Okazaki is currently the Assistant Field Operations Chief for the County of Maui Department of Water Supply and previously spent twenty years as the Vice President of Operations at Pural Water Specialty Company, Inc. Mr. Okazaki is also certified as a Distribution System Operator and Water Treatment Plant Operator, both at the highest grade level 4. Your Committee further finds that Mr. Okazaki previously served as a member of the Board of Certification of Public Water System Operators from 2014 until 2017 and his extensive professional experience will be an asset to the Board and therefore recommends Mr. Okazaki's appointment the Board of Certification of Public Water System Operators.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

# SCRep. 2211 Commerce, Consumer Protection, and Health on Gov. Msg. No. 639

Recommending that the Senate advise and consent to the nomination of the following:

## HAWAI'I ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

G.M. No. 639 JOHN MOSES, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by John Moses for service on the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances.

Your Committee received testimony in support of the nomination for the appointment of John Moses from the Department of Health and one individual

Upon review of the testimony, your Committee finds that Mr. Moses' background and experience qualify him to be nominated for appointment to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Your Committee notes that Mr. Moses has thirty-six years of experience in a variety of roles within the health care field, including direct care delivery, policy formulation, grant writing, enforcement consulting, and teaching. Mr. Moses is currently a Family Nurse Practitioner for Premier Medical Group and a Managing Partner, Legal Nurse Consultant, and Health Care Systems Consultant for MedicoLegal Analytics. Mr. Moses is also a member of multiple professional organizations, including the Hawaii Association of Professional Nurses, where he is President-Elect. Your Committee finds that Mr. Moses' extensive experience as a health professional, his career focus on addiction issues, and his insights on clinical, administrative, and budgetary issues will be valuable to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Your Committee therefore recommends that Mr. Moses be appointed to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances based on his knowledge, experience, and commitment to his profession.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 2212 Commerce, Consumer Protection, and Health on Gov. Msg. No. 661

Recommending that the Senate advise and consent to the nomination of the following:

## STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

G.M. No. 661 DREW SARANILLIO, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Drew Saranillio for service on the State Council on Developmental Disabilities.

Your Committee received testimony in support of the nomination for the appointment of Drew Saranillio from the State Council on Developmental Disabilities, Department of Education Monitoring and Compliance Branch, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Saranillio's background, experience, and commitment to public service qualify him to be nominated for appointment to the State Council on Developmental Disabilities. Your Committee notes that Mr. Saranillio has been working with the Department of Education for the past eighteen years as a teacher for students with developmental or behavioral needs, assisting schools implement inclusion frameworks, and is currently the Administrator of the Individuals with Disabilities Education Act section in the Monitoring and Compliance Branch, where he ensures the Department of Education is in compliance with federal and state requirements for students with disabilities. Your Committee further finds that Mr. Saranillio's commitment to working for equal access under the law and experience providing information and education to internal staff and the public about developmental disabilities will be assets to the State Council on Developmental Disabilities. Your Committee therefore recommends that Mr. Saranillio be appointed to the State Council on Developmental Disabilities based on his knowledge, experience, and dedication to community service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

# SCRep. 2213 Commerce, Consumer Protection, and Health on Gov. Msg. No. 677

Recommending that the Senate advise and consent to the nomination of the following:

## HEALTH PLANNING COUNCIL, TRI-ISLE SUBAREA

G.M. No. 677 JULIE POTTER-DUNLOP, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Julie Potter-Dunlop for service on the Health Planning Council, Tri-Isle Subarea.

Your Committee received testimony in support of the nomination for the appointment of Julie Potter-Dunlop from the State Health Planning and Development Agency and two individuals.

Upon review of the testimony, your Committee finds that Dr. Potter-Dunlop's background, experience, and prior experience on the Health Planning Council, Tri-Isle Subarea qualify her to be nominated for appointment to the Health Planning Council, Tri-Isle Subarea. Your Committee notes that Dr. Potter-Dunlop is currently a Nurse Educator and Scientist at the University of Hawaii Maui College and a grant writer with the Research Center of the University of Hawaii'i. Dr. Potter-Dunlop is active within her profession and has published and given numerous professional presentations and is currently a member of the National League for Nursing, National Education Association, University of Hawaii Professional Assembly, and National Student Nurses' Association. Your

Committee further finds that Dr. Potter-Dunlop is a former member of the Health Planning Council, Tri-Isle Subarea and the insight she offers based on her many years of experience will enhance the effectiveness of the Council. Your Committee therefore recommends that Dr. Potter-Dunlop be appointed to the Health Planning Council, Tri-Isle Subarea based on her knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 2214 Commerce, Consumer Protection, and Health on Gov. Msg. No. 678

Recommending that the Senate advise and consent to the nomination of the following:

## HEALTH PLANNING COUNCIL, HAWAI'I COUNTY SUBAREA

G.M. No. 678 MALIA TALLETT, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Malia Tallett for service on the Health Planning Council, Hawaii County Subarea.

Your Committee received testimony in support of the nomination for the reappointment of Malia Tallett from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Dr. Tallett's background, knowledge, and proven experience on the Health Planning Council, Hawaii County Subarea qualify her to be nominated for reappointment to the Health Planning Council, Hawaii County Subarea. Your Committee notes that Dr. Tallett has worked as a physical therapist for over ten years; has work experience in a variety of health care settings, including acute care, outpatient, skilled nursing home health, pediatrics, orthopedics, and behavioral health; and is the Owner and Physical Therapist for Ke Ola Kino Physical Therapy. Dr. Tallett is also active in her local community, serving as a Big Island Interscholastic Federal Water Polo Official and First Aid responder for local community sporting events. Your Committee further finds that Dr. Tallett has been a member of the Health Planning Council, Hawaii County Subarea since 2016 and the insight she offers based on her years of experience continues to enhance the effectiveness of the Council. Your Committee therefore recommends that Dr. Tallett be reappointed to the Health Planning Council, Hawaii County Subarea based on her knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

# SCRep. 2215 Commerce, Consumer Protection, and Health on Gov. Msg. No. 720

Recommending that the Senate advise and consent to the nomination of the following:

## BOARD OF CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT PLANTS

G.M. No. 720 GARY HUTCHINSON, for a term to expire 06-30-2023

Your Committee reviewed the personal history and resume submitted by Gary Hutchinson for service on the Board of Certification of Operating Personnel in Wastewater Treatment Plants.

Your Committee received testimony in support of the nomination for the reappointment of Gary Hutchinson from the Department of Health

Upon review of the testimony, your Committee finds that Mr. Hutchinson's background, knowledge, and proven experience on the Board of Certification of Operating Personnel in Wastewater Treatment Plants qualify him to be nominated for reappointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Your Committee notes that Mr. Hutchinson currently works as a Wastewater Plant Engineer at the Sand Island Wastewater Treatment Plant for the City and County of Honolulu and holds a Grade 4 Wastewater Treatment Plant Operator Certificate. Your Committee further finds that Mr. Hutchinson has been a member of the Board of Certification of Operating Personnel in Wastewater Treatment Plants since 2018 and the insight he offers based on his twenty-three years of wastewater experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Hutchinson be reappointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Thielen).

#### SCRep. 2216 Judiciary on Gov. Msg. No. 598

Recommending that the Senate advise and consent to the nomination of the following:

# ATTORNEY GENERAL OF THE DEPARTMENT OF THE ATTORNEY GENERAL

G.M. No. 598 CLARE E. CONNORS, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Clare E. Connors for nomination as the Attorney General of the State of Hawai'i.

Your Committee received testimony in support of the nomination of Clare E. Connors as the Attorney General of the State of Hawaii'i from the Governor; Department of Health; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Budget and Finance; Department of Human Services; Department of Taxation; Department of Transportation; Department of Agriculture; Department of Human Resources Development; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Department of Public Safety; Department of Commerce and Consumer Affairs; Department of Hawaiian Home Lands; Office of Enterprise Technology Services; Campaign Spending Commission; Office of Environmental Quality Control; Domestic Violence Action Center; Starn, O'Toole, Marcus, and Fisher; American Council of Engineering Companies of Hawaii; and forty-seven individuals. Your Committee received comments on the nomination of Clare E. Connors as the Attorney General from the Hawaii State Bar Association and Ho'omanapono Political Action Committee.

Ms. Connors received a Bachelor of Arts degree in Ethics, Politics, and Economics; and a Bachelor of Arts degree in International Studies from Yale College, where she graduated *cum laude*. She subsequently received her Doctorate of Jurisprudence from Harvard Law School, where she was a line editor of the *Journal on Legislation* and was awarded the Heyman Fellowship Award for Government Service. Ms. Connors currently serves as the Acting Attorney General and previous to that she was a partner in the law firm of Davis Levin Livingston. She also served as an Assistant United States Attorney for seven years. For over seventeen years she has practiced law in private practice and in government service and has been a member of the Hawai'i State Bar Association since 2003. Ms. Connors has been a lecturer and instructor of the small business and entrepreneurship clinic at the William S. Richardson School of Law and is a member of numerous professional and community boards and organizations. Additionally, she was nominated to the United States District Court for the District of Hawaii in 2015.

Testimony in support of Ms. Connors' nomination commend her depth of experience, leadership abilities, and professional demeanor. Even in her brief time as Acting Attorney General, she has earned a reputation among numerous state agencies as having the highest integrity and commitment to effective advocacy. Many testifiers noted that her superb knowledge of the law, clear and seasoned judgment, and open-minded approach to complex issues will continue to be great assets to the Department of the Attorney General.

Your Committee finds that, based on the testimony submitted on her behalf, Clare E. Connors has the experience, temperament, and other competencies to be the Attorney General of the State of Hawai'i, and in that capacity she will continue to be a strong advocate on behalf of the interests of the State and its residents.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Wakai).

# SCRep. 2217 Ways and Means on Gov. Msg. No. 737

Recommending that the Senate advise and consent to the nomination of the following:

# DEPUTY DIRECTOR OF THE DEPARTMENT OF BUDGET AND FINANCE

G.M. No. 737 ROBERT YU, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal statement and resume submitted by Robert Yu for service as the Deputy Director of Budget and Finance.

Your Committee received testimony in support of the nomination from the Office of the Governor; Department of Accounting and General Services; Department of Labor and Industrial Relations; Department of Business, Economic Development, and Tourism; Department of Public Safety; Department of Agriculture; Department of Taxation; Office of Planning; Employees' Retirement System; Oahu Transit Services, Inc.; and numerous individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has served for two years as the Chief Financial Officer of the Honolulu Authority for Rapid Transportation. Your Committee further finds that the nominee previously served as the Senior Vice President and Deputy General Manager of Oahu Transit Services, where he assisted in managing an operating budget of more than \$250,000,000. Your Committee notes that the nominee is a Certified Public Accountant who gained financial experience in his previous employment at Hawaiian Electric Industries, Grant Thornton, and Chevron USA Corp. Your Committee also notes that the nominee earned a Bachelor of Science degree in accounting from California State University, Hayward, and a Master of Business Administration degree from Hawaii Pacific University.

Your Committee finds that Robert Yu's education and experience in finance, accounting, and public service will make him an effective Deputy Director of Budget and Finance.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (Harimoto, Kahele, Kidani, Shimabukuro, Fevella).

## SCRep. 2218 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 599

Recommending that the Senate advise and consent to the nomination of the following:

#### ADJUTANT GENERAL OF THE DEPARTMENT OF DEFENSE

G.M. No. 599 ARTHUR J. LOGAN, for a term to expire at noon on 12-05-2022

Your Committee has reviewed the personal history, resume, and statement submitted by Arthur J. Logan for service as the Adjutant General.

Your Committee received testimony in support of the nomination for the appointment of Major General Logan from the Governor; Department of Transportation; Department of Transportation; Department of Accounting and General Services; Department of Health; Department of Agriculture; Department of Public Safety; Department of Human Resources Development; Department of Human Services; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Department of Business, Economic Development, and Tourism; Department of Hawaiian Home Lands, Office of Enterprise Technology Services; Hawaii Emergency Management Agency; City and County of Honolulu Department of Emergency Management; County of Hawai'i Police Department; County of Kaua'i Emergency Management Agency; and fifteen individuals.

Your Committee finds that Major General Logan's background and experience qualify him for a second appointment as the Adjutant General. Major General Logan has extensive military and leadership experience, including more than thirty-six years of military service. Commissioned by the Hawaii Army National Guard Officer Candidate School, he spent twenty years as a Honolulu Police Department detective before working as the Counterdrug Coordinator at the Hawaii Army National Guard, United States Army Commander of the Regional Police Advisory Command Central in Afghanistan, Chief of Staff of the Hawaii Army National Guard, Chief of the Joint Staff of the Hawaii National Guard, and Director of Operations/G3 for the Hawaii Army National Guard, among other leadership roles and responsibilities. Major General Logan has served as the Adjutant General since 2015.

Major General Logan received a Bachelor of Arts degree in Justice Administration and Management from Hawaii Pacific University and a Master's degree in Strategic Studies from the United States Army War College. He has received numerous awards and decorations, including the Legion of Merit, United States Army Bronze Star, United States Army Meritorious Service Medal, Army Commendation Medal, Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal, and Humanitarian Service Medal. Major General Logan has served as the President and Vice President of the Hawaii National Guard Association and has been active in the National Guard Association of the United States, Military Officers Association of America, Veterans of Foreign Wars, Association of the United States Army, and Contingency Planners of the Pacific.

Your Committee further finds that Major General Logan has demonstrated a high level of understanding of the State's emergency management and homeland security needs. Major General Logan's military service exemplifies his hard work and dedication to the State, and his years of military service, accomplishments, and leadership experience indicate that he is capable and exceptionally well-qualified to serve as the Adjutant General during times of peace or emergency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

# SCRep. 2219 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 600

Recommending that the Senate advise and consent to the nomination of the following:

## DEPUTY ADJUTANT GENERAL OF THE DEPARTMENT OF DEFENSE

G.M. No. 600 KENNETH S. HARA, for a term to expire at noon on 12-05-2022

Your Committee has reviewed the personal history, resume, and statement submitted by Kenneth S. Hara for service as the Deputy Adjutant General.

Your Committee received testimony in support of the nomination for the appointment of Brigadier General Hara from the Governor; Department of Transportation; Department of Transportation; Department of Accounting and General Services; Department of Health; Department of Agriculture; Department of Public Safety; Department of Human Resources Development; Department of Human Services; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Department of Business, Economic Development, and Tourism; Department of Hawaiian Home Lands; Hawaii Emergency Management Agency; Office of Enterprise Technology Services; City and County of Honolulu Department of Emergency Management; County of Hawai'i Police Department; County of Kaua'i Emergency Management Agency; and eleven individuals.

Your Committee finds that Brigadier General Hara's background and experience qualify him for service as the Deputy Adjutant General. Brigadier General Hara has served as the Deputy Adjutant General since January 2018 and Commander of the Hawaii Army National Guard since February 2018. Past military experience and leadership roles include serving as the Deputy Chief of Staff of the Army National Guard in South Korea, and serving as the Commander or Deputy Commander for various deployments to Afghanistan, Iraq, and Kuwait.

In addition to his federal mobilizations, Brigadier General Hara has served on several state missions. Of note, Brigadier General Hara served as the Assistant Operations Officer with the 2nd Battalion, 299th Infantry, following Hurricane Iniki, which devastated the

island of Kaua'i in 1992; Task Force KOA commander that conducted National Guard Domestic Operations following an earthquake that struck Hawaii island in 2006; and as the Dual Status Commander of Joint Task Force — 50 in support of the responses to the Kilauea volcanic eruptions and Hurricane Lane in 2018.

Brigadier General Hara has a Master of Strategic Studies from the United States Army War College and a Bachelor of Arts degree in Human Services from Hawaii Pacific University. In addition to his Master's degree, Brigadier General Hara's military education includes a Command and General Staff Officer Course from the Command and General Staff College in Kansas; Combined Arms Service Staff School in Kansas; Combined Logistics Officer Advanced Course in Virginia; Initial Entry Rotary Wing Course in Alabama; and Infantry Officer Basic Course in Georgia.

In 1987, Brigadier General Hara received his commission as an Infantry Second Lieutenant through the Hawaii Military Academy's Officer Candidate School, Hawaii Army National Guard. Brigadier General Hara's awards and decorations include the Combat Infantryman Badge, Army Aviator Badge, Legion of Merit, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal with Silver Oak Leaf Cluster, and Army Achievement Medal with two Oak Leaf Clusters.

Your Committee further finds that Brigadier General Hara has demonstrated a high level of understanding of the State's emergency management and homeland security needs. His years of military service, accomplishments, and leadership experience indicate that he is well-qualified to serve as the Adjutant General.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

#### SCRep. 2220 Water and Land on Gov. Msg. Nos. 620 and 621

Recommending that the Senate advise and consent to the nominations of the following:

## GAME MANAGEMENT ADVISORY COMMISSION

G.M. No. 620 NELSON RAPANOT, for a term to expire 06-30-2023; and

G.M. No. 621 KALANI NAKOA, for a term to expire 06-30-2020

Your Committee reviewed the personal histories, resumes, and statements submitted by Nelson Rapanot and Kalani Nakoa for service on the Game Management Advisory Commission.

## NELSON RAPANOT

Your Committee received testimony in support of the nomination for the appointment of Nelson Rapanot from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Mr. Rapanot's experience as a bowhunter, commitment to public service, and proven leadership qualify him to be nominated for appointment to the Game Management Advisory Commission as a member from the Island of Molokai. Your Committee notes that Mr. Rapanot is an active licensed hunter who works directly with local hunter and shooter organizations, including Molokai Bowhunters. He also provides guided archery-only hunting on Molokai Ranch. Your Committee therefore finds that Mr. Rapanot's extensive knowledge and experience in hunting will be a valuable asset to the Commission.

## KALANI NAKOA

Your Committee received testimony in support of the nomination for the appointment of Kalani Nakoa from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Mr. Nakoa's experience as an avid hunter, commitment to public service, and proven leadership qualify him to be nominated for appointment to the Game Management Advisory Commission as a member from the Island of Maui. Your Committee notes that Mr. Nakoa is an active licensed hunter who works directly with local hunter and shooter organizations, including Kaupō Wildlife Club, Aukai Archery Club, Molokai Bowhunters, and Maui Casting Club. He also has experience mentoring younger bowhunters and diving and ulua fishermen. Your Committee therefore finds that Mr. Nakoa's extensive knowledge and experience in hunting will be a valuable asset to the Commission.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 2221 Ways and Means on S.R. No. 120

The purpose and intent of this measure is to request an audit of various programs at the University of Hawaii West Oahu that receive extramural funding, including Title III grant funding.

Specifically, this measure requests that the University of Hawaii's Office of Internal Audit conduct the audit and include the following programs:

- (1) Aalii Scholars Program;
- (2) Ike Ola;
- (3) Mobile High-Touch, High Tech Learning Environment Program;
- (4) Kukulu ma ke Kahua;
- (5) PIKO Project;
- (6) University of Hawaii West Oahu Pueo Scholars;
- (7) University of Hawaii at Hilo and Hawaii Community College cooperative arrangement development grant; and
- (8) Hookahua.

Your Committee received written comments in support of this measure from the University of Hawaii and one individual.

Your Committee finds that conducting an internal audit of the various programs at the University of Hawaii West Oahu that receive extramural funding, including Title III grant funding, can improve program performance and efficiencies.

Your Committee notes that designating the University of Hawaii's Internal Auditor to conduct the audit will ensure that any evaluation is independent of the University's administration, as the Office of Internal Audit operates under the authority of the Board of Regents.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 120 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (Harimoto, Inouye, Kahele, Kidani, Riviere, Taniguchi).

#### SCRep. 2222 Commerce, Consumer Protection, and Health on H.C.R. No. 202

The purpose and intent of this measure is to declare April as Child Abuse Prevention Month.

Your Committee received testimony in support of this measure from the O'ahu County Committee of the O'ahu County Democrats and O'ahu County Democrats Legislative Priorities Committee.

Your Committee finds that child abuse and neglect continue to pose serious threats to the nation's children. In 2017, an estimated 674,000 children suffered abuse nationally, while nearly 4,000 cases of suspected child abuse are reported in Hawaii every year. Child abuse and neglect are community problems requiring community solutions and in April, Child Abuse Hawaii is participating in the Blue Ribbon Project to increase public awareness of and foster conversations about child abuse and neglect. Your Committee further finds that designating April as Child Abuse Prevention Month will support Child Abuse Hawaii's efforts to encourage Hawaii residents to work together to support child abuse prevention.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 202, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chang, Keohokalole).

# SCRep. 2223 (Joint) Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs on H.C.R. No. 80

The purpose and intent of this measure is to urge Maui County to immediately ban predatory cosmetics stores from doing business in Lahaina.

Your Committees received testimony in support of this measure from two individuals.

Your Committees find that a number of predatory cosmetic stores have opened on Front Street in historic Lahaina, Maui and engage in marketing techniques that are considered disrespectful, inconsiderate, and aggressive in nature, which have created an intimidating atmosphere for visitors and locals. According to testimony received by your Committees, sales persons at these cosmetic stores often berate and harass customers into buying overpriced products and apply products to customers without permission, which raises immediate public health and safety concerns. This measure urges Maui County to prohibit predatory cosmetics stores through the zoning process to incentivize landlords to address the actions of their cosmetic store tenants due to these cosmetic stores' negative effect on the health, safety, and welfare of residents and visitors of Maui County.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 80, H.D. 1, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Keohokalole, Ruderman).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

# SCRep. 2224 Education on H.C.R. No. 56

The purpose and intent of this measure is to request the Department of Education to establish training programs for the prevention, identification, and reporting of child abuse and neglect.

Your Committee received testimony in support of this measure from the Department of Education, LGBT Caucus of the Democratic Party of Hawaii, and three individuals. Your Committee received comments on this measure from Parents and Children Together.

Your Committee finds that children are our most precious asset, and some cannot adequately defend themselves against the harmful actions of adults. In Hawaii, nearly four thousand cases of child abuse are reported each year with more than one thousand unique cases of child abuse confirmed by the Department of Human Services. Therefore, it is critical that the proper training is developed and provided to ensure and support the educational, emotional, and physical well-being of all children in the State.

Your Committee has amended this measure by:

- (1) Amending the title in accordance with its purpose; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 56, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 56, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 2225 (Joint) Water and Land and Ways and Means on H.C.R. No. 6

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (4) 2-6-11: 019, Kukuiula, Koloa, Kona, Kauai, for a seawall and steps, and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committees find that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease state submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committees further find that on September 23, 2016, under agenda item D-1, the Board of Land and Natural Resources approved the grant of a fifty-five-year term, non-exclusive easement to resolve the encroachment of the existing seawall and steps in the area identified in this measure. Your Committees note that the grantee will be required to pay the State the appraised fair market value of \$7,820. Your Committees conclude that the easement is necessary for the maintenance and repair of the existing seawall and steps, and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 6, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

Ways and Means: Ayes, 7. Noes, none. Excused, 6 (Harimoto, Keith-Agaran, Moriwaki, Riviere, Taniguchi, Fevella).

# SCRep. 2226 (Joint) Water and Land and Ways and Means on H.C.R. No. 19

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-1-040: seaward of 001, Kaalawai, Honolulu, Oahu, for the existing seawall and steps, and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and four individuals.

Your Committees find that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease state submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committees further find that on November 9, 2018, under agenda item D-12, the Board of Land and Natural Resources approved the grant of a fifty-five year term, non-exclusive easement to resolve the encroachment of the existing seawall and steps in the area identified in this measure. Your Committees note that the grantee will be required to pay the State the appraised fair market value of the easement. Your Committees conclude that the easement is necessary for the maintenance and repair of the existing seawall and steps, and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 19, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

Ways and Means: Ayes, 7. Noes, none. Excused, 6 (Harimoto, Keith-Agaran, Moriwaki, Riviere, Taniguchi, Fevella).

# SCRep. 2227 (Joint) Water and Land and Ways and Means on H.C.R. No. 112

The purpose and intent of this measure is to authorize the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to amend the submerged land lease boundaries and the boundaries of certain state submerged lands, identified as "LOT 12", in Honolulu Harbor, Oahu, to match the dimensions of the new drydock, Hoʻola I Na Moku, and to not extend beyond the fast land boundaries, nor to exceed the original total area of 91,350 square feet, for Pacific Shipyards International.

Your Committees received testimony in support of this measure from the Department of Transportation Harbors Division, Pacific Marine, Pacific Shipyards International, and two individuals.

Your Committees find that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease state submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committees further find that Senate Concurrent Resolution No. 56, S.D. 1, Regular Session of 2014 (S.C.R. 56), authorized the Department of Transportation, with the prior approval of the Board of Land and Natural Resources, to issue a lease for a term coextensive with the term of the ground lease for the fast lands adjacent to Pacific Shipyards International covering a portion of state submerged lands fronting the property bound by Piers 24 to 26, identified as "LOT 12". During the interval between the adoption of S.C.R. 56 and the execution of Pacific Shipyard International's lease, one of the drydocks was replaced by a larger drydock, and the fast land area contemplated for Pacific Shipyards International occupancy was reduced such that the submerged land now extends beyond the fast land boundary. Your Committees find that the amendment of the lease is necessary to reflect the actual boundaries of the occupancy.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 112, and recommend its adoption.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

Ways and Means: Ayes, 7. Noes, none. Excused, 6 (Harimoto, Keith-Agaran, Moriwaki, Riviere, Taniguchi, Fevella).

## SCRep. 2228 Labor, Culture and the Arts on H.C.R. No. 113

The purpose and intent of this measure is to convene the multiple languages emergency notification working group (working group) to develop a plan to provide emergency notification in multiple languages for people with limited English proficiency.

Your Committee received testimony in support of this measure from the Office of Language Access, Hawai'i Friends of Civil Rights, and O'ahu County Democrats Legislative Priorities Committee. Your Committee received comments on this measure from the Disability and Communications Access Board.

Your Committee finds that Hawaii has one of the highest proportions of non-English speakers in the United States. Your Committee also finds that a significant percentage of visitors to Hawaii have a primary language other than English. Residents and visitors who lack proficiency in English are at great risk in emergency situations in which they are unable to understand written or verbal warnings or notifications, including warnings or notifications about dangerous conditions, impending severe weather, and appropriate emergency responses. Providing language access in disaster and emergency management is critical to ensure that all of the State's residents and visitors, regardless of English proficiency, can access essential resources like shelters, medicine, social services, and other disaster relief.

Your Committee further finds that the Hawaii Emergency Management Agency coordinates emergency notifications and response to disasters. The Hawaii Emergency Management Agency's planning should include a means for residents and visitors of limited English proficiency to receive important emergency notifications. Requesting the Hawaii Emergency Management Agency to convene a working group to develop a plan to provide emergency notifications in multiple languages for people with limited English proficiency will help ensure that individuals with limited English proficiency are adequately notified of an impending emergency and can timely prepare for and respond to it.

Your Committee has amended this measure by:

- Amending the composition of the working group to specifically include representatives from the Hawaii State Council for Developmental Disabilities and Inter-Agency Council for Refugee and Immigrant Services rather than conditioning their membership on the invitation of the chair;
- (2) Amending the composition of the working group to include individuals appointed by the Disability and Communication Access Board and Hawaii State Council for Developmental Disabilities who are deaf and whose primary language is American Sign Language and individuals appointed by the Inter-Agency Council for Refugee and Immigrant Services to represent the immigrant community; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 113, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 113, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Ihara).

#### SCRep. 2229 (Joint) Government Operations and Judiciary on H.C.R. No. 224

The purpose and intent of this measure is to convene a digital gaming advisory group to assess and monitor predatory practices in the digital gaming industry.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Youth Services Network, League of Women Voters of Hawaii, National Council on Problem Gambling, Consumers for Digital Fairness, and four individuals. Your Committees received testimony in opposition to this measure from the Retail Merchants of Hawaii, Entertainment Software Association, and Chamber of Commerce Hawaii. Your Committees received comments on this measure from the Department of Health and Legislative Reference Bureau.

Your Committees find that variable reward mechanisms known as "loot boxes", which operate similarly to slot machines, are designed into digital games. Your Committees also find that negative psychological impacts from extended exposure to exploitive variable reward mechanisms have been found, which can lead to addiction and cognitive development problems, leading some countries to regulate or ban variable reward mechanisms in video games.

Your Committees further find that in the United States, departments and agencies heavily regulate exploitive variable reward mechanisms in casino games by requiring strict disclosure to consumers of the odds of winning possible rewards contained within. However, there is currently no requirement for digital game developers to disclose to consumers the odds of winning any rewards and inclusion of variable reward mechanisms, making it impossible for parents to know which games contain these mechanisms. Video games require active, lengthy participation during which consumers are exposed to the psychological manipulation techniques employed by exploitive variable reward mechanisms that aggressively compel spending and can lead to psychological and developmental harm. This measure convenes a digital gaming advisory group to assess gambling and predatory practices within the digital gaming industry.

Your Committees have amended this measure by:

- (1) Adding a member to represent parents to the digital gaming advisory group;
- (2) Adding a member from a game development company to the digital gaming advisory group;
- (3) Removing references to "predatory" from the phrase "predatory variable reward mechanisms";
- (4) Specifying that the members of digital gaming advisory group shall select its chairs;
- (5) Specifying that the House and Senate Standing Committees with subject matter jurisdiction over Judiciary shall convene the first meeting of the advisory group;
- (6) Specifying that the Executive Director of the Office of Consumer Protection shall be a member of the group;
- (7) Specifying that the advisory group shall cease to exist on June 30, 2021;
- (8) Updating its title; and
- (9) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 224, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 224, H.D. 1, S.D. 1.

Signed by the Chairs on behalf of the Committees. Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella). Judiciary: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

### SCRep. 2230 Higher Education on Gov. Msg. Nos. 570, 571, and 572

Recommending that the Senate advise and consent to the nominations of the following:

## BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I

- G.M. No. 570 ROBERT WESTERMAN, for a term to expire 06-30-2022;
- G.M. No. 571 ALAPAKI NAHALE-A, for a term to expire 06-30-2023; and
- G.M. No. 572 KELLI ACOPAN, for a term to expire 06-30-2020

Your Committee reviewed the personal histories, resumes, and statements submitted by Robert Westerman, Alapaki Nahale-a, and Kelli Acopan for service on the Board of Regents of the University of Hawai'i.

# ROBERT WESTERMAN

Your Committee received testimony in support of the nomination for the appointment of Robert Westerman from the Hawaii State Fire Council, Maui Fire Council, Kaua'i Fire Department, and ten individuals.

Your Committee finds that Mr. Westerman is presently retired, but previously served as the Fire Chief for the County of Kauai for over twelve years. Prior to serving as Fire Chief for the County of Kauai, Mr. Westerman served as the Fire Chief for the Pacific Missile Range Facility on Kauai and as a member of the United States Air Force during the Vietnam War. He is an active member of the community, having served as a Board Member for Kauai United Way since 2009, including as President, Vice President, and on the Treasure Committee. In his personal statement, Mr. Westerman indicated that his previous work experiences as a Fire Chief and in the United States Air Force have provided him with opportunities to make difficult decisions through budget and personnel management and to lead with fairness and strength. Therefore, your Committee finds that Mr. Westerman's leadership abilities, as well as his willingness to serve, will be great assets to the Board of Regents of the University of Hawai'i.

### ALAPAKI NAHALE-A

Your Committee received testimony in support of the nomination for the appointment of Alapaki Nahale-a from the Office of Hawaiian Affairs, Aha Moku Advisory Committee, one member of the Hawai'i County Council, Council for Native Hawaiian Advancement, and thirteen individuals.

Your Committee finds that Mr. Nahale-a is presently the Senior Director of Community Engagement and Resources at Kamehameha Schools on Hawai'i island. In the past, Mr. Nahale-a served as the Chairman of the Department of Hawaiian Home Lands and President and Executive Director of the Hawaii Charter School Network. He is highly involved in his community, having served on various boards and commissions, and possesses a deep understanding of Native Hawaiian issues. In his personal statement, Mr. Nahale-a indicated that his desire to serve on the Board of Regents comes from his love for Hawai'i, commitment to public service, and personal belief that the future of Hawai'i largely rests on the ability of the University of Hawai'i System to deliver on its promise of improving the social, economic, and environmental well-being of current and future generations. Therefore, your

Committee finds that Mr. Nahale-a's extensive professional experience, as well as his involvement in the Native Hawaiian community, will be great assets to the Board of Regents of the University of Hawai'i.

#### KELLI ACOPAN

Your Committee received testimony in support of the nomination for the appointment of Kelli Acopan from the University of Hawai'i Student Caucus and eight individuals.

Your Committee finds that Ms. Acopan is presently pursuing a Master's Degree in History at the University of Hawai'i at Mānoa. Additionally, she serves as a Graduate Assistant for the Department of History at the University of Hawai'i at Mānoa and a Program Assistant for TRiO Upward Bound at Windward Community College. In the past, Ms. Acopan has served as President of the Associated Students of the University of Hawai'i at Windward Community College and as Vice Chair of the University of Hawai'i Student Caucus. According to testimony, Ms. Acopan has consistently demonstrated rational and responsible judgment through her actions representing others. In her personal statement, Ms. Acopan indicated that her academic journey as a traditional and non-traditional student provides her with a unique and informed perspective to the policymaking and decision-making processes related to the University of Hawai'i. Therefore, your Committee finds that Ms. Acopan's student leadership experience, as well as her commitment to bettering the University of Hawai'i, will be great assets to the Board of Regents of the University of Hawai'i.

As affirmed by the records of votes of the members of your Committee on Higher Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

#### SCRep. 2231 Judiciary on Gov. Msg. No. 649

Recommending that the Senate advise and consent to the nomination of the following:

#### CIVIL RIGHTS COMMISSION

G.M. No. 649 WILLIAM PUETTE, for a term to expire 06-30-2021

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds William Puette to possess the requisite qualifications to be nominated for appointment to the Hawaii Civil Rights Commission.

Your Committee received testimony in support of the nomination for the appointment of William Puette from the LGBT Caucus of the Democratic Party of Hawaii; Hawaii Laborers-Employers Cooperation and Education Trust; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; Oʻahu County Committee of the Oʻahu County Democrats; Hawaii State Association of Parlimentarians; ILWU Local 142; Hawaii Fire Fighters Association, Local 1463, AFL-CIO; International Union of Painters and Allied Trade, District Council 50; United Public Workers, AFSCME, Local 646, AFL-CIO; Oahu County Democrats Legislative Priorities Committee; and twelve individuals.

Upon review of the testimony, your Committee finds that Dr. Puette's extensive experience in labor education and workers' rights, expertise in civil rights history, and dedication to public service qualify him to be nominated for appointment to the Hawaii Civil Rights Commission. Your Committee notes that Dr. Puette is currently the Director of the Center for Labor Education and Research and a tenured Specialist in Labor Education on the faculty of the University of Hawai'i West O'ahu. He has been a member of the faculty of the University of Hawai'i since 1982. In addition, Dr. Puette has been recognized several times for outstanding service to the public, including being awarded the Hung Wo and Elizabeth Lau Ching Faculty Service to the Community Award by the University of Hawai'i in 2005. Your Committee further notes that Dr. Puette has worked closely with members of the Hawaii Civil Rights Commission in the past, and was the Commission's volunteer webmaster between 1997 and 2003, creating the Commission's first website. Your Committee finds that Dr. Puette's educational experience, historical expertise, and commitment to serving the community will be great assets to the Hawaii Civil Rights Commission.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 2232 Judiciary on Gov. Msg. No. 710

Recommending that the Senate advise and consent to the nomination of the following:

### COMMISSION ON THE STATUS OF WOMEN

G.M. No. 710 TERRI MOTOSUE, for a term to expire 06-30-2023

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Terri Motosue to possess the requisite qualifications to be nominated for appointment to the Hawai'i State Commission on the Status of Women.

Your Committee received testimony in support of the nomination for the appointment of Terri Motosue from the Hawai'i State Commission on the Status of Women, SanHi Government Strategies, O'ahu County Committee of the O'ahu County Democrats, Child & Family Service, and nine individuals.

Upon review of the testimony, your Committee finds that Ms. Motosue's experience as an attorney, expertise in issues impacting women and children, and dedication to public service qualify her to be nominated for appointment to the Hawai'i State Commission on the Status of Women. Your Committee notes that Ms. Motosue has practiced law for over fifteen years, and is currently a partner at

Ashford and Wriston. Your Committee further notes that prior to her current partnership, she was a partner at Yamamoto Caliboso from 2013 to 2017, and before that she was a managing partner at Carlsmith Ball, LLP, from 2004 to 2013. In addition, she has done extensive pro bono work in advocacy and education related to combatting trafficking of women and children, domestic violence, and child custody. Ms. Motosue has also collaborated with Legal Aid and the Domestic Violence Action Center to provide free legal training to lawyers with the goal of increasing the number of pro bono lawyers who can represent survivors of domestic violence. Your Committee also notes that Ms. Motosue has served on the board of directors of Child & Family Service since 2010. Your Committee finds that Ms. Motosue's extensive experience, familiarity with legal issues relating to women and children, and commitment to serving the community will be great assets to the Hawai'i State Commission on the Status of Women.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

## SCRep. 2233 Water and Land on Gov. Msg. No. 608

Recommending that the Senate advise and consent to the nomination of the following:

### CHAIR OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES

G.M. No. 608 SUZANNE D. CASE, for a term to expire 12-31-2022

Your Committee reviewed the personal history, resume, and statement submitted by Suzanne Case for service as the Chair of the Board of Land and Natural Resources.

Your Committee received testimony in support of the nomination for the reappointment of Suzanne Case from the Governor; Department of Land and Natural Resources; Department of Agriculture; Department of Accounting and General Services; Department of Human Resources Development; Department of Public Safety; Department of Business, Economic Development, and Tourism; Department of Hawaiian Home Lands; Department of Labor and Industrial Relations; Department of Transportation; Aha Moku Advisory Committee; Office of Environmental Quality Control; Office of Enterprise Technology Services; City and County of Honolulu Board of Water Supply; Kaua'i Island Utility Cooperative; The Nature Conservancy; Pūlama Lāna'i; O'ahu County Committee, O'ahu County Democrats; Joule Group, LLC; National Tropical Botanical Garden; Maui County Farm Bureau; Kua'āina Ulu 'Auamo; and twenty-four individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Suzanne Case from Ho'omanapono Political Action Committee; Ho'omana Pono, LLC; Hawaii Hunting Association; Aloha Animal Advocates; Cat Lives Matter; Kia'i Wai O Wai'ale'ale; and twenty-six individuals. Your Committee received comments on the nomination for the reappointment of Suzanne Case from one individual.

Suzanne Case has served as the Chair of the Board of Land and Natural Resources since 2015. She was born in Hilo and grew up in Hilo and Honolulu. She attended Williams College and Stanford University and graduated from Stanford University with honors with a Bachelor of Arts degree in History. She received a law degree from Hastings College of the Law, at the University of California in San Francisco. Ms. Case practiced law in Honolulu from 1983 to 1987, specializing in real estate transactions.

Suzanne Case is a twenty-eight year veteran of The Nature Conservancy where she served as Executive Director from 2001 to 2015. Her experience involved work in native forests and in coastal and marine conservation, directly and through partnerships. Ms. Case also oversaw the Palmyra Atoll Nature Preserve and Research Station in the Pacific, a globally acclaimed conservation and research collaboration of The Nature Conservancy, the United States Fish and Wildlife Service, and the Palmyra Atoll Research Consortium.

Since becoming Chair in 2015, Ms. Case has focused on good government, inclusion, and implementation of the Sustainable Hawaii Initiative. Highlights of her achievements during her first term include response to rapid 'ōhi'a death; establishment of the Hā'ena, Kauai Community Based Subsistence Fishing Area and Ka'ūpūlehu, Kona "Try Wait" ten-year community-based fishing rest area; establishment of instream flow standards for dozens of streams in East Maui; enforcement and safety control actions for illegal public activity on state lands promoted by social media; digitization of department records; implementation of the Division of Conservation and Resources Enforcement academy; and participation as the co-chair of the Interagency Climate Adaptation Committee.

Ms. Case believes in wise stewardship of Hawaii's public and conservation lands and waters, excellence in government, making the most of limited resources, and collaboration and inclusion. Your Committee finds that Ms. Case will continue to bring the same leadership, focus, dedication, knowledge, and passion for natural and cultural resource conservation to the Department of Land and Natural Resources that she has demonstrated previously in the role of Chair of the Board of Land and Natural Resources.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

### SCRep. 2234 Water and Land on Gov. Msg. No. 609

Recommending that the Senate advise and consent to the nomination of the following:

# DEPUTY TO THE CHAIR OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES

G.M. No. 609 ROBERT K. MASUDA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Robert Masuda for service as the Deputy to the Chairperson of the Board of Land and Natural Resources.

Your Committee received testimony in support of the nomination for the appointment of Robert Masuda from the Governor; Department of Land and Natural Resources; Department of Agriculture; Department of Accounting and General Services; Department of Human Resources Development; Department of Public Safety; Department of Business, Economic Development, and Tourism; Department of Labor and Industrial Relations; Department of Health; Department of Hawaiian Home Lands; Department of Transportation; Aha Moku Advisory Committee; Office of Environmental Quality Control; Office of Enterprise Technology Services; The Nature Conservancy; National Tropical Botanical Gardens; Kuaʻāina Ulu 'Auamo; and seventeen individuals. Your Committee received testimony in opposition to the nomination for the appointment of Robert Masuda from the Hawaii Hunting Association and one individual.

Robert K. Masuda has served as the First Deputy to the Chairperson of the Board of Land and Natural Resources since 2017. Previously, he served as the senior advisor for special programs development at the United States Department of Agriculture's Forest Service Institute for Pacific Islands Forestry from 2007 to 2017 and as First Deputy Director of the Department of Land and Natural Resources from May 2005 to May 2007. In the latter capacity, Mr. Masuda was responsible for the long-term sustainable management, maintenance, protection, and utilization of existing and potential ocean, land, natural, and cultural resources of the State of Hawaii in an integrated manner and in partnership with others from the public and private sectors. Mr. Masuda also served for one year as the Director of the Department of Parks and Recreation for the City and County of Honolulu.

Mr. Masuda spent more than fifty-five years as a leader in building and operating the YMCA organization in Hawaii, the mainland, and around the world. Mr. Masuda installed strong budget controls; maintained community and government leader contacts; selected and developed personnel at all supervisory levels; initiated and managed contracts worth several millions of dollars annually; organized management teams at local, metropolitan, and national YMCA levels; and was active in the community as a board member of a variety of non-profit organizations. Post retirement he continues his active leadership in guiding, promoting, and advocating for science research and the advancement of natural and cultural resources.

The testimony of the Department of Land and Natural Resources indicates that Mr. Masuda has the ability to bring people together to work on solutions to address a broad spectrum of interests and needs. During his most recent term, among other things, he initiated the Natural Resources Advancement Team and Honōkohau Small Boat Harbor Working Group; worked with the Division of Forestry and Wildlife to promote community understanding of watershed priorities; acted as the point person for emergency disaster response; addressed homelessness at the Wai anae Small Boat Harbor; and worked with the Office of Hawaiian Affairs and Kamehameha Schools on the Hoʻolau Kanaka conference. Your Committee is confident that Mr. Masuda will continue to bring the same leadership, energy, analytical skills, sense of purpose, and passion for natural and cultural resource protection and education to the Department of Land and Natural Resources that he has demonstrated previously in the role of Deputy to the Chairperson of the Board of Land and Natural Resources.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

# SCRep. 2235 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 543

Recommending that the Senate not advise and consent to the nomination of the following:

### DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

G.M. No. 543 NOLAN P. ESPINDA, for a term to expire at noon on 12-05-2022

Your Committee has reviewed the personal history, resume, and statement submitted by Nolan P. Espinda for service as the Director of Public Safety.

### **Testimony**

Your Committee received testimony in support of the nomination for the reappointment of Mr. Espinda from the Governor; Department of Labor and Industrial Relations; Department of Hawaiian Home Lands; Department of Accounting and General Services; Department of Business, Economic Development, and Tourism; Department of Human Resources Development; Department of Taxation; Department of Land and Natural Resources; Department of Defense; Department of Health; Department of Human Services; Department of Transportation; Department of Commerce and Consumer Affairs; Department of Agriculture; Office of Enterprise Technology Services; Office of Planning; Hawaii Paroling Authority; County of Hawaii Police Department; Kauai Police Department; one member of the Honolulu City Council; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Operating Engineers Industry Stabilization Fund; Oahu Economic Development Board; Hawaii Laborers Union, Local 368; and ninety-seven individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Mr. Espinda from the Ho'omanapono Political Action Committee, Hawaii Justice Coalition, 'Ohana Ho'opakele, Ka Lāhui Hawaii' Political Action Committee, Young Progressives Demanding Action, Malu 'Aina, Community Alliance on Prisons, and forty-eight individuals. Your Committee received comments on the nomination for the reappointment of Mr. Espinda from the American Civil Liberties Union of Hawai'i, Akamai Cannabis Clinic, and four individuals.

Your Committee acknowledges the testimony received in support of Mr. Espinda to continue to serve as the Director of Public Safety. Specifically, your Committee notes Mr. Espinda's lengthy experience of working within the Department of Public Safety in various capacities.

### Senate's Constitutional Role

Your Committee notes that under the Hawaii State Constitution, the Senate has the responsibility of reviewing gubernatorial nominations and determining whether the Senate advises and consents to such nominations. In going through the advise and consent

process, the Senate must remain cognizant of its vital role in assuring that those nominated have the qualifications and character to serve in that position.

Your Committee notes that the Senate's practice of holding public hearings on all gubernatorial nominees gives the public an opportunity to participate in the screening of each nominee. The nomination process and public participation help to assure the public that each nominee is qualified for the position and possesses the integrity and character necessary for an important leadership role in state government.

In addition to the hearing on Mr. Espinda's nomination, your Committee held an informational briefing on April 9, 2019, to discuss the circumstances, timeline of events, departmental policies and procedures, and subsequent response of the leadership of the Department of Public Safety to several events, including but not limited to the March 11, 2019, riot at the Maui Community Correctional Center and the fatal shooting of a man by a state sheriff on State Capitol grounds on February 17, 2019 (hereinafter "informational briefing"). Your Committee believes that the information discussed and additional detail sought from the Department during that informational briefing relates to the determination by your Committee as to whether your Committee should recommend that the Senate advise and consent or not advise and consent to Mr. Espinda's nomination.

Your Committee recognizes the challenges the Department of Public Safety faces, however for the reasons discussed below, your Committee finds that Mr. Espinda is not the appropriate person to lead the Department of Public Safety going forward.

### Excessive Use of Force and Inadequate Training and Equipment

Your Committee finds that recent incidents involving the use of force by Department of Public Safety employees, information gleaned from the testimony in opposition to the nomination for the reappointment of Mr. Espinda, and various media reports on the Department's actions highlight problems within the Department that weighed heavily in your Committee's recommendation. Specifically, concerns regarding the use of lethal force where non-lethal force may have been appropriate, lack of training on the use of non-lethal force, and inadequate equipment.

In February 2019, a deputy sheriff shot and killed a homeless man during a struggle on the State Capitol grounds. While previous requests had been made to provide sheriffs with non-lethal weapons such as tasers or pepper balls, the Department has either failed to adopt any type of policy regarding non-lethal use of force or to purchase non-lethal weapons.

In addition, other equipment that the Department has purchased that might assist sheriffs in performing their duties has never actually been issued to the sheriffs because use of the equipment does not comply with existing policies or lack of training on the proper use of such equipment. For example, since 2016, the Department of Public Safety spent more than \$77,000 on ninety-six Sig Sauer rifles. However, these long guns cannot be used by sheriffs because state policy bans this type of rifle. The Department of Public Safety has also spent more than \$65,000 to buy one hundred twenty Remington Model 870 shotguns since 2016. These shotguns are allowed under the policy, but instead they have sat in the armory for three years without use because the Department has not issued them.

# Correctional Facilities Conditions, Treatment of Staff and Inmates, and Inadequate Staffing

Your Committee finds that the correctional facilities run by the Department of Public Safety have faced numerous issues relating to overcrowding, mistreatment of inmates, failure to protect inmates from sexual abuse, and lack of in-person visitation.

Your Committee finds that the Department of Public Safety has not been forthright about deaths at correctional facilities and how individuals with disabilities and mental health issues are treated while incarcerated. In addition, the Department of Public Safety has withheld other important information from the public and family members of the deceased and those who have suffered abuse or injury. According to testimony, your Committee notes that suicide by inmates has increased during Mr. Espinda's tenure as Director of Public Safety.

Your Committee finds that staffing continues to be a problem within the State's correctional facilities. Your Committee believes that Mr. Espinda has attempted to save the State money by cutting back on overtime and failing to hire enough staff despite positions being authorized and funded. This has created unsafe conditions in the State's correctional facilities. For example, despite Maui Community Correctional Center being authorized one hundred sixty-eight positions, only one-hundred twenty-eight, according to Mr. Espinda, were filled at the time of the riot, and even less staff were on duty at that time due to extended leave and vacations.

In addition, during the informational briefing, allegations were raised that leadership at the Department of Public Safety passed over the hiring or promoting of female staff if such hiring or promotion would cause the Department to incur overtime costs. While this may be seen as a cost cutting initiative, the lack of an adequate number of female staff has created unsafe situations for female inmates.

Furthermore, the American Civil Liberties Union of Hawai'i sued the Department of Public Safety on January 6, 2017, alleging overcrowded, unconstitutional conditions at the State's correctional facilities. The complaint raised the following concerns, among others: insufficient shelter, unsanitary conditions, inadequate medical care and mental health services, food shortages, and chronic understaffing at several of the correctional facilities.

Additionally, the Correctional Reform Task Force, formed pursuant to House Concurrent Resolution No. 85 (Regular Session of 2016), met from June 2016 through 2018, and published an interim report in February 2017 and a final report in December 2018, with recommendations on how to improve the State's correctional facilities. According to testimony, these recommendations have not been implemented and have been largely ignored.

### Culture of Fear

Additional testimony in opposition suggests that there is a culture of fear at the Department of Public Safety. Staff, inmates, and relatives are afraid to speak out against abuses or suggest ways the Department of Public Safety's policies and programs can be improved out of a fear of retaliation, job loss, or further abuse. While some testifiers identified themselves, others submitted testimony anonymously for fear of retaliation. Your Committee also received testimony alleging that Mr. Espinda leads with a pattern of corruption, cover-ups, and favoritism, including nepotism and is concerned that the Department of Public Safety lacks an atmosphere

that encourages suggestions for how to improve the system. As Mr. Espinda admitted in the informational briefing, the Department of Public Safety follows a strict chain of command, so it is possible that complaints may never reach him.

### Maui Community Correctional Center Riot

Your Committee acknowledges that an internal investigation of the riot at Maui Community Correctional Center is ongoing and notes that the internal investigation is being investigated by an employee of the Department of Public Safety who was chosen and appointed for this task by Mr. Espinda. During the informational briefing, your Committee allowed Mr. Espinda to sit with an attorney and refuse to answer questions about the riot that might relate to the internal or other investigations, unless the questions concerned information that was already made public.

During the informational briefing, Mr. Espinda testified that only handcuffs, a radio, and gloves were issued to employees at Maui Community Correctional Center at the time of the riot. Other equipment was locked up in the armory and was not accessible to staff. Through testimony on Mr. Espinda's nomination, your Committee learned that during the riot, some of the leadership at Maui Community Correctional Center appeared more concerned for other inmates than for their staff who tried to prevent other officers from being burned or otherwise tried to contain the riot with only a pair of handcuffs.

Although the investigation on the riot is ongoing, several testifiers testified that the uprising at Maui Community Correctional Center could have been avoided. According to testimony, more men and women could have been placed on work furlough, extended furlough, or electronic monitoring furlough rather than being overcrowded at Maui Community Correctional Center. Furthermore, the phones in the pod where the riot started were broken, which prohibited inmates from speaking with their counsel and loved ones, which some testified was the issue that sparked the riot. Staff and inmates notified authorities of the broken phones long before the riot occurred, yet administration did nothing to remedy the situation.

## Department of Public Safety Audit

Your Committee notes that Mr. Espinda was largely unaware of the 2010 legislatively-mandated audit of the Department of Public Safety by the State Auditor (Report No. 10-06, *Audit of the Department of Public Safety, Sheriff Division*), which appears to be the most recent management audit of the Department of Public Safety. While Mr. Espinda was a warden at the time the audit was conducted, upon becoming Director, it appears Mr. Espinda did not utilize the findings of this audit to help improve the Department of Public Safety and address the Department's many long standing issues.

### Lack of Strategic Vision

Your Committee understands that generally one person cannot be blamed for all of the Department of Public Safety's problems. However, your Committee finds that as the Director of Public Safety since 2015, Mr. Espinda has failed to take responsibility for the numerous issues and challenges the Department faces and has failed to show leadership in moving the Department forward. Under Mr. Espinda's leadership, the Department of Public Safety has failed to fulfill its mission to uphold justice and public safety by providing correctional and law enforcement services to Hawaii's communities with professionalism, integrity, and fairness in every instance.

When questioned during the informational briefing, Mr. Espinda generally did not appear to have a concrete plan for addressing the lack of training, the lack of options for non-lethal use of force, or for recruiting and hiring more people to fill vacant positions. When asked about physical and sexual assault within the Department of Public Safety, Mr. Espinda failed to address your Committee's concerns. In short, your Committee was not satisfied with Mr. Espinda's answers on how he would lead the Department of Public Safety in a new and improved direction.

### Recommendation

Based on all of the information received, your Committee believes that the negative testimony outweighs the testimony in support of Mr. Espinda's nomination. Your Committee notes that the negative testimony has a similar theme of a lack of leadership at the Department of Public Safety. Based on the serious concerns raised about the Department of Public Safety under Mr. Espinda's direction, your Committee finds that Mr. Espinda is not the right person to lead the Department going forward, and accordingly, cannot recommend the nomination of Mr. Espinda for reappointment as the Director of Public Safety.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, recommends that the Senate not advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Wakai, Fevella). Noes, none. Excused, none.

### SCRep. 2236 Housing on H.C.R. No. 161

The purpose and intent of this measure is to request the Hawaii Community Development Authority to study properties in or around Kakaako to recommend appropriate sites for a new fire station or to relocate or expand existing fire stations in or around Kakaako.

Your Committee received testimony in support of this measure from the Honolulu Fire Department, Hawaii Section American Society of Civil Engineers, and three individuals.

Your Committee finds that planned developments in Kakaako are estimated to increase the residential population to over 40,000 individuals by 2030. Your Committee further finds that an increase in residential and transient populations, proposed high-rise residential structures, and additional commercial development necessitate the need for a new, expanded, or relocated fire station in or around Kakaako. The current Kakaako fire station is over 40 years old, and was not designed to accommodate the projected growth, and does not have space for expansion to meet the challenges posed by an increase in population. Your Committee also finds that the National Fire Protection Association mandates that the travel time for the first-arriving unit responding to emergencies in urban communities be within four minutes. Every minute of increased travel time exacerbates the seriousness of an emergency. This

measure will ensure the protection and safety of residents in Kakaako by initiating actions to identify potential new, expanded, or relocated fire stations to more efficiently and effectively serve the Kakaako community.

Your Committee notes that it will be beneficial for the Hawaii Community Development Authority to collaborate with the City and County of Honolulu in studying potential properties on state or county lands for a new, expanded, or relocated fire station to serve the Kakaako region and encourages the City and County of Honolulu to assist the Hawaii Community Development Authority in making recommendations for such a fire station.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 161, H.D. 1, and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kanuha, Thielen).

#### SCRep. 2237 Transportation on S.R. No. 154

The purpose and intent of this measure is to request the Department of Design and Construction of the City and County of Honolulu to extend Keaunui Drive to Renton Road in Ewa Beach.

Your Committee received testimony in support of this measure from five individuals.

Your Committee finds that Asing Park is an important recreational area for the Ewa Beach community. Your Committee further finds that access to Asing Park is limited with only one road, Renton Road, leading to the park, creating unnecessary traffic in the area. Improved access to Asing Park can be achieved by extending Keaunui Drive into Renton Road. Your Committee notes that the Department of Design and Construction of the City and County of Honolulu plans, designs, and constructs capital improvement projects related to the infrastructure of facilitates within public rights-of-way, including streets and highways. Your Committee believes that requesting the Department of Design and Construction to extend Keaunui Drive to Renton Road will improve the quality of life for Ewa Beach residents and alleviate traffic in the area.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 154 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

#### SCRep. 2238 Education on Gov. Msg. Nos. 686, 687, 707, and 721

Recommending that the Senate advise and consent to the nominations of the following:

### EARLY LEARNING BOARD

G.M. No. 686 KERRIE UROSEVICH, for a term to expire 06-30-2022;

G.M. No. 687 LEILANI AU, for a term to expire 06-30-2020;

G.M. No. 707 BENJAMIN NAKI III, for a term to expire 06-30-2022; and

G.M. No. 721 JUSTINA ACEVEDO-CROSS, for a term to expire 06-30-2020

Your Committee reviewed the personal histories, resumes, and statements submitted by Kerrie Urosevich, Leilani Au, Benjamin Naki III, and Justina Acevedo-Cross for service on the Early Learning Board.

### KERRIE UROSEVICH

Your Committee received testimony in support of the nomination for the appointment of Kerrie Urosevich from the Executive Office on Early Learning, Parents and Children Together, and one individual.

Your Committee finds that Dr. Urosevich is presently the Lead for Network Design and Collaboration for the Early Childhood Action Strategy Collaborative Leaders Network, Co-Founder for Ceeds of Peace, and an Affiliate Faculty at the Spark Matsunaga Institute for Peace. Previously, Dr. Urosevich served as the Governor's Early Childhood Coordinator and Action Strategy Coordinator for the Executive Office on Early Learning and has a professional background in systems building through her mediation and facilitation consultancy. She is active in the community, serving on various Hawaii-based and international boards, including Hawaii's Early Intervention Coordinating Council. According to her personal statement, Dr. Urosevich envisions Hawaii as a leader in aligning its early childhood development system to ensure access to high quality programs and services for all children. Your Committee therefore finds that Dr. Urosevich's professional background in early childhood development, as well as dedication to public service, will be great assets to the Early Learning Board.

### LEILANI AU

Your Committee received testimony in support of the nomination for the appointment of Leilani Au from the Executive Office on Early Learning and one individual.

Your Committee finds that Ms. Au is presently the Director for the University of Hawaii at Manoa Children's Center, which serves children ages two to five years. Ms. Au previously served as an Education Coordinator at the University of Hawaii at Manoa Children's Center and Facilitator at the Hawaii Association for the Education of Young Children. Additionally, Ms. Au's professional background as an Early Childhood Department Lecturer and Professional and Career Education for Early Childhood Trainer at Honolulu Community College allows her to understand the unique and varied needs of center-based child care providers. Ms. Au indicated in her personal statement that she feels Hawaii needs to catch up to other states in creating and enforcing quality standards for

public and private early childhood programs. Your Committee therefore finds that Ms. Au's leadership abilities, as well as her background in the early childhood field, will be great assets to the Early Learning Board.

#### **BENJAMIN NAKI III**

Your Committee received testimony in support of the nomination for the reappointment of Benjamin Naki III from the Executive Office on Early Learning, Parents and Children Together, and one individual.

Your Committee finds that Mr. Naki is presently the Vice President of Early Education Programs at Parents and Children Together. Additionally, his previous work experience includes serving as Program Director, Assistant Director, and various other roles at Parents and Children Together. Mr. Naki is also an active member of the community, serving as the President of the Head Start Association of Hawaii and Board Member for the Region 9 Head Start Association. According to his personal statement, Mr. Naki indicated that during his first term on the Early Learning Board, he was able to work with the Executive Office on Early Learning and Early Learning Board to better understand how Head Start and Early Head Start fit into the statewide early learning state plan. Your Committee therefore finds that Mr. Naki's passion for early learning, as well as his professional experience, will continue to be great assets to the Early Learning Board.

#### JUSTINA ACEVEDO-CROSS

Your Committee received testimony in support of the nomination for the appointment of Justina Acevedo-Cross from the Executive Office on Early Learning and one individual.

Your Committee finds that Ms. Acevedo-Cross is presently the Program Director for the Hawaii Community Foundation, leading the Promising Minds initiative to strengthen healthy development of all children from birth to age five. In the past, she has served as Program Officer for The David and Lucile Packard Foundation and Communications Manager, Interim Policy Manager, and Consultant at the Women's Initiative for Self Employment. According to the testimony, Ms. Acevedo-Cross's current work focuses on early learning, education, community development, economic security, and workforce development issues. Ms. Acevedo-Cross indicated in her personal statement that she hopes to catalyze policy development around the whole child so that early learning activities include foundational components that affect a child's ability to learn about health and feeling safe. Your Committee therefore finds that Ms. Acevedo-Cross's understanding of child development, as well as her willingness to serve, will be great assets to the Early Learning Board.

As affirmed by the records of votes of the members of your Committee on Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

## SCRep. 2239 Education on Gov. Msg. Nos. 546, 741, and 742

Recommending that the Senate advise and consent to the nominations of the following:

### HAWAI'I TEACHER STANDARDS BOARD

G.M. No. 546 BRAD SHIMIZU, for a term to expire 06-30-2021;

G.M. No. 741 DAVELYN HAN, for a term to expire 06-30-2021; and

G.M. No. 742 KIM SANDERS, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Brad Shimizu, Davelyn Han, and Kim Sanders for service on the Hawai'i Teacher Standards Board.

### **BRAD SHIMIZU**

Your Committee received testimony in support of the nomination for the appointment of Brad Shimizu from the Hawai'i Teacher Standards Board and four individuals.

Your Committee finds that Mr. Shimizu is presently the Band Director for grades seven to twelve at Hawaii Baptist Academy and a Faculty Member of the Hawaii Youth Symphony. In the past, he has taught various mathematics courses and Advanced Placement Physics. He earned a Bachelor's of Arts Degree in General Music from Eastern University and a Master's of Music in Oboe Performance from the New England Conservatory. In his personal statement, Mr. Shimizu indicated that he hopes to better understand the process and standards of teacher certification in the State and be able to give feedback and suggestions that will ensure good teaching. Your Committee therefore finds that Mr. Shimizu's experience as an educator in the private school sector, as well as his willingness to serve, will be great assets to the Hawai'i Teacher Standards Board.

### DAVELYN HAN

Your Committee received testimony in support of the nomination for the appointment of Davelyn Han from the Hawai'i Teacher Standards Board and four individuals.

Your Committee finds that Ms. Han is presently a teacher at Kualapu'u Public Conversion Charter School on the island of Moloka'i. In the past, she has served as the Director and a teacher for Pūnana Leo o Moloka'i, a Hawaiian language preschool that educates children through a family-based model. Ms. Han earned a Bachelor of Education in Elementary Education and a Master of Education in Educational Technology from the University of Hawai'i at Mānoa. In her personal statement, Ms. Han indicated that her experience as a charter school teacher in a rural community gives her a unique perspective and voice and she hopes to provide support to the State's education system by evaluating teacher development programs that enhance teacher practices. Your Committee therefore finds

that Ms. Han's professional experience, as well as her dedication to public service, will be great assets to the Hawai'i Teacher Standards Board.

#### KIM SANDERS

Your Committee received testimony in support of the nomination for the appointment of Kim Sanders from the Hawai'i Teacher Standards Board and three individuals.

Your Committee finds that Ms. Sanders is presently the Principal at Ewa Makai Middle School. In the past, she has served as Principal at Aiea High School, Assistant Principal at Kapolei High School, and as a teacher in several schools in Hawaii, other states, and various countries around the world. Ms. Sanders earned a Bachelor's of Arts Degree in Education from Arizona State University and a Master of Education in Educational Administration K-12 from the University of Hawai'i at Mānoa. In her personal statement, Ms. Sanders indicated that she believes it is important that students are provided with qualified teachers that excel and provide confidence in the teaching profession. Your Committee therefore finds that Ms. Sander's proven leadership abilities, as well as her experience as a public school educator and administrator, will be great assets to the Hawai'i Teacher Standards Board.

As affirmed by the records of votes of the members of your Committee on Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

#### SCRep. 2240 (Joint) Labor, Culture and the Arts and Hawaiian Affairs on S.R. No. 166

The purpose and intent of this measure is to request that the United States Postal Service issue a commemorative stamp honoring Alfred Aholo Apaka.

Your Committees received testimony in support of this measure from three individuals.

Your Committees find that Alfred Aholo Apaka was born on March 19, 1919, in Honolulu on the island of Oahu in the Territory of Hawaii and was a renowned Hawaii vocalist and engaging performer whose music has been a lasting presence delighting listeners and nurturing an appreciation for hapa haole music, a Hawaii-born and -inspired music genre featuring songs about Hawaii or some aspect of Hawaiian culture with English lyrics. Alfred Aholo Apaka's music extended beyond Hawaii's shores where it garnered interest and appreciation from people nationally and worldwide. One of the greatest Hawaiian vocalists of the Twentieth Century, Alfred Aholo Apaka's remarkable career was cut short by death from a heart attack in 1960 at the young age of forty, but to this day, he remains a cultural icon with fans around the world. Since Alfred Aholo Apaka's legacy continues to promote Hawaii worldwide and unify people through shared appreciation and bonds of his lasting music, your Committees believe that he should be recognized nationally by the issuance of a commemorative stamp.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 166, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 166, S.D. 1.

Signed by the Chairs on behalf of the Committees. Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella). Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Kahele).

## SCRep. 2241 Education on Gov. Msg. Nos. 722, 723, and 740

Recommending that the Senate advise and consent to the nominations of the following:

## **BOARD OF EDUCATION**

G.M. No. 722 BRUCE VOSS, for a term to expire 06-30-2022;

G.M. No. 723 KENNETH UEMURA, for a term to expire 06-30-2022; and

G.M. No. 740 DAMIEN BARCARSE, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Bruce Voss, Kenneth Uemura, and Damien Barcarse for service on the Board of Education.

### BRUCE VOSS

Your Committee received testimony in support of the nomination for the reappointment of Bruce Voss from one individual.

Your Committee finds that Mr. Voss is a business litigation attorney with experience in real estate and land use litigation, complex business disputes, and employment law and litigation. In the past, he has worked as a business newspaper reporter and television news reporter and still remains active in the media community. Mr. Voss also serves as a Board Member of Hawaii's public television station, PBS Hawaii, and supports the PBS Hawaii learning initiative, Hiki No Student News Network. According to his personal statement, Mr. Voss noted a few highlights during his first term on the Board of Education, including the hiring of the Superintendent of Education, the creation of a Strategic Plan with clear vision and metrics, and participating in the development of the Hawaii Consolidated State Plan. Your Committee therefore finds that Mr. Voss' passion for public education, as well as his willingness to serve, will continue to be great assets to the Board of Education.

#### KENNETH UEMURA

Your Committee received no testimony for the reappointment of Kenneth Uemura.

Your Committee finds that Mr. Uemura has an extensive leadership background in Hawaii's business and finance communities, where he serves as a Commissioner for the Grants in Aid Advisory Commission of the City and County of Honolulu and, most notably, has served as the Vice President and Chief Financial Officer of Hawai'i Pacific University, where he was named the 2010 Chief Financial Officer of the Year by Pacific Business News. Mr. Uemura also has a long history of public service by volunteering on various non-profit boards. According to his personal statement, Mr. Uemura indicated that, as a current member of the Board of Education, he encourages the sharing of innovative ideas that may help the Department of Education operate its schools more efficiently and bring fresh energy to the board meetings. Your Committee therefore finds that Mr. Uemura's professional expertise, as well as his dedication to public service, will continue to be great assets to the Board of Education.

#### DAMIEN BARCARSE

Your Committee received testimony in support of the nomination for the appointment of Damien Barcarse from the Office of Hawaiian Affairs, 'Aha Pūnana Leo, Na Kalai Waa o Kauai, The Association of Hawaiian Civic Clubs, Kanaeokana Kula Hawai'i Network, and twenty individuals.

Your Committee finds that Mr. Barcarse is presently the West Hawai'i Regional Director for Kamehameha Schools with an extensive career as an educator and administrator, including knowledge of the Hawaiian language and culture. His first-hand experiences as a student in Hawaii's public elementary, secondary, and post-secondary learning institutions gives him valuable insight into the needs, challenges, and concerns facing Hawaii's students. He is an active member of the community and possesses a diverse array of experiences in multi-media production, education, curriculum development, community engagement, language arts, biocultural pathways, and voyaging and navigation. According to his personal statement, Mr. Barcarse, as a member of the Board of Education, hopes to increase efficiency, accountability, and success in the public school system; increase public-private partnerships; and strengthen public support for the education system. Your Committee therefore finds that Mr. Barcarse's professional education experience, as well as his background in Hawaiian language and culture, will be great assets to the Board of Education.

As affirmed by the records of votes of the members of your Committee on Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

### SCRep. 2242 Housing on Gov. Msg. Nos. 743, 744, 745, 746, 747, 748, 749, and 750

Recommending that the Senate advise and consent to the nominations of the following:

### BOARD OF DIRECTORS OF THE HAWAI'I PUBLIC HOUSING AUTHORITY

G.M. No. 743 TODD TANIGUCHI, for a term to expire 06-30-2023;

G.M. No. 744 ROY KATSUDA, for a term to expire 06-30-2022; G.M. No. 745 PONO SHIM, for a term to expire 06-30-2023;

G.M. No. 746 BETTY LARSON, for a term to expire 06-30-2023;

G.M. No. 747 MILO SPINDT, for a term to expire 06-30-2022;

G.M. No. 748 SUSAN KUNZ, for a term to expire 06-30-2019;

G.M. No. 749 SUSAN KUNZ, for a term to expire 06-30-2023; and

G.M. No. 750 ROBERT HALL, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Todd Taniguchi, Roy Katsuda, Pono Shim, Betty Larson, Milo Spindt, Susan Kunz, and Robert Hall for service on the Board of Directors of the Hawaii Public Housing Authority.

## TODD TANIGUCHI

Your Committee received testimony in support of the nomination for the appointment of Todd Taniguchi from the Hawaii Public Housing Authority and three individuals.

Upon review of the testimony, your Committee finds that Mr. Taniguchi's background, experience, and dedication to the development of housing in the State qualify him to be nominated for appointment to the Board of Directors of the Hawaii Public Housing Authority. Your Committee further finds that Mr. Taniguchi is responsible for product strategy and business development at Greentech Infrastructure Partners and has extensive experience managing global real estate at Jones Lang Lasalle. According to testimony, Mr. Taniguchi is diligent, thoughtful, empathetic, hardworking, and kind and has a demonstrated track record of professionalism. Your Committee believes that Mr. Taniguchi's extensive experience in construction, energy efficiency, and mixed-use development make him a great asset to the Board of Directors of the Hawaii Public Housing Authority and recommends that Mr. Taniguchi be appointed to the Board of Directors.

### **ROY KATSUDA**

Your Committee received testimony in support of the nomination for the appointment of Roy Katsuda from the Hawaii Public Housing Authority.

Upon review of the testimony, your Committee finds that Mr. Katsuda's background in real estate development and property management qualify him to be nominated for appointment to the Board of Directors of the Hawaii Public Housing Authority. Mr. Katsuda was the Executive Director of Hale Mahaolu for 35 years, where he oversaw the management of nearly 1,100 rental units for elderly and low-income residents in Maui County. Mr. Katsuda is active in the community, having served on a number of boards such as the Hawaii Community Reinvestment Corporation, Hawaii HomeOwnership Center, and Kauai Housing Development Corporation. Your Committee finds that Mr. Katsuda will be instrumental to the Board of Directors of the Hawaii Public Housing Authority due to his proven experience with managing elderly and low-income housing in Maui County and recommends that he be appointed to the Board of Directors.

### PONO SHIM

Your Committee received testimony in support of the nomination for the reappointment of Pono Shim from the Department of Business, Economic Development, and Tourism; Hawaii Public Housing Authority; University of Hawaii System; Office of Youth Services; Hoʻomanapono Political Action Committee; Oceanit; The Queen's Health Systems; Ulupono Initiative; Parents and Children Together; ChangeWorks, LLC; Lanakila Pacific; Hawaii Friends of Civil Rights; Hawaii Alliance of Nonprofit Organizations; one member of the Honolulu City Council; and forty-three individuals.

Upon review of the testimony, your Committee finds that Mr. Shim's years of experience in economic development of low-income communities in the State, dedication to community service, and knowledge of pertinent law qualify him to be nominated for reappointment to the Board of Directors of the Hawaii Public Housing Authority. Your Committee finds that Mr. Shim has been the Executive Director of the Oahu Economic Development Board since 2009 and has worked in partnership with private and public organizations to support a healthy economy and workforce in the State. Mr. Shim is also currently the Chairperson of the Board of Directors of the Hawaii Public Housing Authority, where he gained an intimate understanding of the operations of the Hawaii Housing Public Authority. Your Committee believes that Mr. Shim will continue to be a great asset to the Board with his proven leadership and experience and recommends that he be reappointed to the Board of Directors.

#### BETTY LARSON

Your Committee received testimony in support of the nomination for the appointment of Betty Larson from the Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, Catholic Charities Hawai'i, Lanakila Pacific, and three individuals.

Upon review of the testimony, your Committee finds that Ms. Larson's background, experience, and dedication to the community qualify her to be nominated for appointment to the Board of Directors of the Hawaii Public Housing Authority. Your Committee further finds that Ms. Larson has nearly 38 years of experience working at Catholic Charities Hawaii where she worked closely with individuals with disabilities, the elderly, and homeless families and individuals, particularly in regard to affordable housing. Ms. Larson is well-versed in affordable housing and homelessness issues, having previously served as a Housing and Community Development Corporation of Hawaii board member. Your Committee believes that Ms. Larson's extensive knowledge of affordable housing and her dedication to vulnerable populations will make her a great asset to the Board of Directors of the Hawaii Public Housing Authority and recommends that she be appointed to the Board of Directors.

### MILO SPINDT

Your Committee received testimony in support of the nomination for the appointment of Milo Spindt from the Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, one member of the Kauai County Council, and one individual.

Upon review of the testimony, your Committee finds that Mr. Spindt's experience in the development of affordable housing and real estate and his dedication to public service qualify him to be nominated for appointment to the Board of Directors of the Hawaii Public Housing Authority. Your Committee further finds that Mr. Spindt is the Executive Director of the Kauai Housing Development Corporation, a nonprofit affordable housing developer with five multifamily residential properties. Mr. Spindt is also the Chairperson of the Board of Directors for the Hawaii Housing Finance and Development Corporation and was previously a Kauai District Land Agent for the Department of Land and Natural Resources. Your Committee believes that Mr. Spindt will play an important role in the Board of Directors of the Hawaii Public Housing Authority due to his extensive experience with housing issues in the State and expertise in real estate, and recommends that he be appointed to the Board of Directors.

## SUSAN KUNZ

Your Committee received testimony in support of the nomination for the appointment or reappointment of Susan Kunz from the Hawaii Public Housing Authority; HOPE Services Hawaii; Hawaii Island Community Development Corporation; Habitat for Humanity Hawaii Island, Inc.; and five individuals.

Upon review of the testimony, your Committee finds that Ms. Kunz's experience managing affordable multi-family and senior housing properties and years of public service relating to housing development qualify her to be nominated for appointment and reappointment to the Board of Directors of the Hawaii Public Housing Authority. Your Committee further finds that Ms. Kunz is the Executive Director of the Big Island Housing Foundation, where she oversees the management of 251 units of affordable housing properties. Ms. Kunz has over 10 years of experience working for the Office of Housing and Community Development for the County of Hawaii and gained extensive knowledge of housing issues in the County of Hawaii. Your Committee believes that Ms. Kunz's expertise in housing development in the County of Hawaii will provide the Board of Directors of the Hawaii Public Housing Authority a unique perspective and recommends that she be appointed and reappointed to the Board of Directors.

### ROBERT HALL

Your Committee received testimony in support of the nomination for the appointment of Robert Hall from the Hawaii Public Housing Authority; Mutual Housing Association of Hawaii'i; Kevin's Electric, Inc.; Pacific American Foundation; Waiohuli Hawaiian Homesteaders Association, Inc.; Palolo Tenants Association; Laiopua 2020; Lāna'i Community Health Center; and six individuals.

Upon review of the testimony, your Committee finds that Mr. Hall's experience in the delivery and oversight of affordable housing, years of experience in the private and public sectors, and dedication to public service qualify him to be nominated for appointment to the Board of Directors of the Hawaii Public Housing Authority. Your Committee further finds that Mr. Hall has over 30 years of experience working for the State where he continued to gain pertinent knowledge and experience of housing. In his capacity as the former Deputy Director of the Department of Hawaiian Home Lands, Mr. Hall refocused the Department to assess, amend, and establish administrative rules to properly address and guide the Department's policies, procedures, and programs. Mr. Hall also was the Acting Executive Director of the former Housing and Community Development Corporation of Hawaii. Your Committee believes that Mr. Hall's extensive experience in various positions in state housing agencies will make him a great asset to the Board of Directors of the Hawaii Public Housing Authority and recommends that he be appointed to the Board of Directors.

As affirmed by the records of votes of the members of your Committee on Housing that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee. Ayes, 4. Noes, none. Excused, 1 (Fevella).

### SCRep. 2243 (Majority) Energy, Economic Development, and Tourism on Gov. Msg. No. 664

### DIRECTOR OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

G.M. No. 664 MIKE MCCARTNEY, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Mike McCartney for service as the Director of Business, Economic Development, and Tourism.

Your Committee received testimony in support of the nomination for the appointment of Mike McCartney from the Governor, Mayor of the City and County of Honolulu, Mayor of the County of Maui; Mayor of the County of Kauai; two members of the Honolulu City Council; Department of Public Safety; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Land and Natural Resources; Department of Commerce and Consumer Affairs; Department of Transportation; Department of Agriculture; Department of Taxation; Department of Human Resources Development; Department of Hawaiian Home Lands; Hawaii Community Development Authority; Office of Enterprise Technology Services; Hawaii Tourism Authority; Hawaii Technology Development Corporation; Hawaii Green Infrastructure Authority; Small Business Regulatory Review Board; Aha Moku Advisory Committee; Office of Community Services; Hawaii Housing Finance and Development Corporation; Oahu Economic Development Board; Hawaii Paroling Authority; Hawaii Public Housing Authority; Hawaii State Teachers Association, Natural Energy Laboratory of Hawaii Authority; Office of Environmental Quality Control; Hoʻomanapono Political Action Committee; Oceanit; SanHi LLLP; Unite Here Local 5; Koʻolau Foundation; Plumbers and Fitters United Association, Local 675; Ponoholo Ranch Limited; RMA Sales; Kyo-ya Management Company; Searider Productions; United Public Workers, AFSCME Local 646, AFL-CIO; Hawaiian Airlines; ILWU Local 142; ClimbHi; Nation of Hawaii; Alexander & Baldwin, Inc.; Pacific American Foundation; Stryker Weiner & Yokota; Ironworkers Stabilization Fund; State of Hawaii Organization of Police Officers; Great Aloha Run d.b.a. Carole Kai Charities, Inc.; Hawaii Fire Fighters Association; Bank of Hawaii; Hawaii Cattlemen's Council; and over eighty-five individuals.

Mr. McCartney currently serves as the acting Director of Business, Economic Development, and Tourism. He has previously served as a State Senator for three terms, Chief of Staff and Administrative Director of the Office of the Governor, and Chief Executive Officer and President of the Hawaii Tourism Authority. Mr. McCartney received his Bachelor of Science from Pacific University, and engaged in postgraduate studies in Mediation, Peace Keeping and Conflict Resolution at the University of Hawaii and graduate business executive studies from the Stanford University Graduate School of Business Executive Program for Nonprofit Leaders.

Your Committee finds that the Department of Business, Economic Development, and Tourism is tasked with undertaking statewide business and economic development activities, energy development and management, economic research and analysis, planning for the use of Hawaii's ocean resources, and the development and promotion of industry and international commerce. As head of the Department, your Committee expects the Director of Business, Economic Development, and Tourism to be well-versed in and have specific plans for moving the State forward in areas such as clean energy development, aerospace development, and tourism. However, your Committee notes that in Mr. McCartney's written response to the questionnaire from your Committee, Mr. McCartney describes a vague vision for the Department to "align the budget to the plan and policies, develop goals and key performance indicators for the next four years, and collaborate as a leadership team and evaluate performance." Based upon this response and other statements made by Mr. McCartney, your Committee is concerned that he does not have a clear plan for the future of the Department and instead uses generalities and ideologies when describing his plans for the Department. This lack of specificity coupled with Mr. McCartney's track record of empty promises greatly concerns your Committee and affords little confidence in or expectation of improved guidance or delivery on promises in the future.

Your Committee notes that on multiple occasions, Mr. McCartney has failed to respond to emails and other forms of communication with the Senate. While Mr. McCartney has apologized for his lack of responsiveness, your Committee is concerned that this behavior will continue to result in inefficiencies and lack of communication between the Department and policymakers. Furthermore, Mr. McCartney has made many promises to the Senate to provide information during Senate Committee hearings but has failed to follow through on said promises. This lack of communication is especially troubling during a time that the nominee himself has acknowledged is a time for collaboration in order for the State to succeed.

Due to the above concerns regarding Mr. McCartney, it was the recommendation of the Chair of your Committee to not advise and consent to Mr. McCartney's nomination for appointment as the Director of Business, Economic Development, and Tourism. Upon taking the vote, members of your Committee were divided, with two ayes and two nays to not advise and consent to the nomination for appointment of Mr. McCartney. This resulted in the recommendation not being adopted by your Committee; nevertheless, the nomination will move to the Senate floor for a final vote pursuant to Senate Rule 37.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, lacks a majority of votes to recommend that the Senate either advise and consent or not advise and consent to the nomination and returns the nomination to the full Senate for consideration in accordance with Senate Rule 37(5) which states: "The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"".

Signed by the Chair on behalf of the Committee. Ayes, 2. Noes, 2 (Inouye, Keohokalole). Excused, 1 (Taniguchi).