

THIRTY-NINTH DAY

Monday, May 18, 2020

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, convened at 12:07 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative David A. Tarnas, after which the Roll was called showing all members present with the exception of Representatives McDermott, Nakashima, and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Eighth Day was deferred.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives McDermott, Nakashima, and Thielen were excused.)

THIRD READING

S.B. No. 3080, SD 3, HD 1:

Representative Belatti moved that S.B. No. 3080, SD 3, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, support, brief comment. Mr. Speaker, this is, as indicated in the second reading, this is a shot across the bow of the Judiciary for their get out of jail free cards. I wish to insert additional comments in the Journal, if I may? Thank you."

Representative Ward's written remarks are as follows:

"Thank you, Mr. Speaker. I support this measure as a matter of the constitutional separation of powers. The Legislative branch is the policymaking one. As we've seen repeatedly in the news and in emails from our constituents, the release of prisoners under the guise of this pandemic is an atrocious public policy that has compromised the safety of our residents.

"I further support that the vacancies will remain, so that the Judiciary can provide their critical services when funds open up and our economy restarts.

"The separation of powers is crucial to the American experiment and I commend the hard work of the Finance Chair on this bill. *Mahalo*."

Representative Matayoshi rose to speak in support of the measure, stating:

"Strong support, brief comment. I do believe that this is a good and necessary bill. I do think though that we need to get the specific criminal charges against each person reported to the Legislature as well. If I could insert brief written comments as well? Thank you."

Representative Matayoshi's written remarks are as follows:

"I strongly support this bill, but I believe the language should be more explicit in reflecting the Legislature's intent to obtain the specific crime or crimes each inmate was convicted of. The bill asks for the 'inmate's criminal status before release,' which I interpret to mean the specific crimes that inmate was convicted of which led to that inmate's incarceration. I encourage the Judiciary to send this specific conviction information to the Legislature. Broad categories will not help the Legislature as a felony can be a range of crimes, from voter fraud to murder. We need to make sure we are keeping our communities safe and not releasing criminals who would endanger our residents."

Representative Matsumoto rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Matsumoto's written remarks are as follows:

"I am compelled to comment on the provision in this bill requiring the Judiciary to submit a weekly report to the Legislature including information for all inmates released pursuant to Supreme Court orders. Although all motions for early release have now been reviewed and either approved or denied, this information is crucial to determine whether these releases did more harm than good.

"The early releases occurred with little to no information provided to the public or the Legislature. The releases occurred in spite of the protests of the prosecutor's offices. Additionally, the reason provided for the releases, to prevent an outbreak of COVID-19 in the prisons, was never a valid concern since there have been zero cases in any of Hawaii's correctional facilities.

"This new reporting requirement forces the Judiciary to provide weekly information to the Legislature. The report must contain information regarding the inmate's address, conditions of release, criminal status, and whether the inmate is arrested after release, among other items.

"Several of those released pursuant to the court order have already reoffended. Some have even committed violent crimes. Our constituents deserve to be kept informed and safe from crime. When the public defender's office was initially questioned about the early releases, the public was assured that only non-violent criminals would be released, however this was not true.

"Although I am opposed to these early releases, I do appreciate that information will be required weekly. This provides some assurance that the former inmates are being monitored in some way."

The motion was put to vote by the Chair and carried, and S.B. No. 3080, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Say voting no, and with Representatives McDermott and Thielen being excused.

S.B. No. 75, SD 2, HD 1:

Representative Belatti moved that S.B. No. 75, SD 2, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment again, repeating what I had said in the second reading last Friday. We have \$36 million for thermal testing. Thermal testing is basically a halfway house of COVID-19 testing, of which I would love to see. And ultimately, that is going to be the way that we're going to be able to open our tourism industry.

"Everyone in the House will get a copy of what otherwise is a game plan to hopefully be able to push and make thoroughly understood, if people don't feel safe, they're not going to come. And if we get a second wave and have to shut down the economy again and shut down the society, we're going to be really, really be in deep trouble.

"So, what we see now is a \$1 billion to \$2 billion deficit, it could even be worse, Mr. Speaker, if we don't get it right. And that's what we're going to circulate as a framework on how to get it right. Thank you. Mr. Speaker, may I insert comments into the Journal? Thank you."

Representative Ward's written remarks are as follows:

"Thank you, Mr. Speaker. My reservations on this measure are centered around the lack of COVID-19 testing directed toward the Department of Health. I applaud the hard work of the money committee chairs and am in full support of dispersing federal funds to the counties, allowing them to use the money as they see fit for their communities.

"The biggest unknown before our tourism economy opens is how we will prevent a second wave of this virus to our local population and prevent another shutdown of our society. The key to that is to test visitors for

COVID-19 before arrival and to increase our testing capacity of the virus in order to ensure that those visiting our islands are COVID-free. While not 100% foolproof, funding for COVID testing and requiring passengers to test before arrival gives Hawaii the opportunity to lead the world as we begin to open up.

"I reference the plan, Making Hawaii Safe for Travel, that the Representative from Ewa Beach, who serves as the minority member on the House Special Committee on COVID-19, and I have worked on over the past few months, which was submitted to the committee on May 18th.

"The plan serves as the basis for my reservations and I would like this to remain in the record as this body continues to navigate through an unprecedented period in our history. *Mahalo.*"

Representative Say rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Matsumoto rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Matsumoto's written remarks are as follows:

"Mr. Speaker, I rise in strong support of S.B. No. 75, Relating to Appropriations.

"This bill and the other pieces of legislation we're about to vote on today represent this body's commitment to serving the people of Hawaii during this difficult time. When we started this session back in January, none of us could have predicted where we'd be today. Despite the challenges of the last several months, I'm encouraged and thankful for the way we've been able to find and fund the most essential parts of state government without raising taxes, cutting the salaries of essential workers, or other more drastic measures. I look forward to continuing to work with this body to pursue a swift and dynamic economic recovery for the people of Hawaii. For those reasons, I am in support of the legislation we're passing today to support our constituents. *Mahalo.*"

Representative Belatti rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in strong support of Senate Bill 75, House Draft 1.

"We are in challenging and uncertain times that call for steady leadership that both addresses the immediate and pressing needs of individuals and lays the foundation so that we can ensure recovery and rebuilding of our community. This bill – along with the other six bills being considered during this re-convening of the 2020 Hawaii State Legislature – accomplishes these goals by prudently dealing with the economic crisis we are facing.

"This bill will provide immediate relief to residents and families in need through the appropriations of federal monies to the counties from the Coronavirus Aid, Relief, and Economic Security (CARES) Act passed recently by Congress. Altogether, Hawaii, Maui and Kauai Counties are receiving over \$164 million through this bill. Over \$63 million of these funds will go to direct community assistance in the form of housing assistance, childcare grants, food distribution, microbusiness loans, and farmers' relief programs. Coupled with the \$147 million of the City and County of Honolulu's portion of the CARES monies they received directly from the Federal Government, over \$210 million will be provided in direct relief to the people of Hawaii, and will be disbursed by the counties as they are better situated to move these funds quickly and in a targeted manner for their residents.

"This bill also lays the foundation for recovery by investing monies into statewide systems that directly shore up the safety net programs that will be needed in the months ahead. The Department of Labor and Industrial Relations has been appropriated \$1.36 million for the Pandemic Unemployment Assistance Program and \$8.154 million to fund three additional hearings officers, thirty claims assistants, and nine auditors who will ensure that unemployment claims can be resolved and needed unemployment assistance will get to qualified unemployed individuals. Two million dollars will be utilized by the Department of Human Services to

ensure that their Supplemental Nutritional Assistance Program (SNAP) and Financial Benefits technology systems will be fully functioning as more people require the need for ongoing assistance while the course of COVID-19 continues and our economy slowly reopens in the months to come.

"Finally, Senate Bill 75, House Draft 1 invests monies in much needed public health infrastructure that will enable us to reopen our economy with stronger tools to identify and hopefully mitigate the spread of COVID-19 which will happen as stay-at-home orders are lifted and we move towards a post-COVID-19 world. These include investments of \$14 million for outbreak control, contact tracing programs, and personal protective equipment to the Department of Health and \$36 million to thermal screening programs to the Department of Transportation.

"There are still many difficult decisions ahead of us. The spending of \$635,986,000 that has been placed into the State's emergency and budget reserve fund or the Rainy Day Fund will still need to be considered as the State's safety net resources will be strained from continued pressures placed on unemployment, Medicaid, food, financial, and housing benefit programs. But as we receive clearer guidance from the Federal Government on how federal funds – not just CARES monies – can be spent to shore up the various sectors of our state's economy and we better understand the State's revenue losses, the passage of Senate Bill 75, House Draft 1 will help to position our state to better respond and make informed decisions that can help our state's longer-term recovery.

"For these reasons, I strongly support Senate Bill 75, House Draft 1."

Representative Nakamura rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I just want to say that S.B. No. 75 includes funding for the neighbor island counties that did not receive a direct CARE grant funding as Honolulu did. So, this is critical for the neighbor islands. And I know for Kauai, the Kauai team is looking at using these funds for response, recovery, and resiliency. And knowing that funds have to be spent by the end of the year, they're going to be looking strategically at addressing the needs of the community. So, these funds are very much needed. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 75, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Say and Ward voting aye with reservations, and with Representatives McDermott and Thielen being excused.

S.B. No. 3139, SD 1, HD 1:

Representative Belatti moved that S.B. No. 3139, SD 1, HD 1 pass Third Reading, seconded by Representative Morikawa.

Representative Say rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 3139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 49 ayes, with Representative Say voting aye with reservations, and with Representatives McDermott and Thielen being excused.

At 12:16 p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 3080, SD 3, HD 1
S.B. No. 75, SD 2, HD 1
S.B. No. 3139, SD 1, HD 1

ADJOURNMENT

At 12:17 p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until noon tomorrow, Tuesday, May 19, 2020. (Representatives McDermott and Thielen were excused.)