

FORTY-EIGHTH DAY

Tuesday, June 30, 2020

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, convened at 12:03 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative Chris Lee, after which the Roll was called showing all members present, with Representatives Creagan, DeCoite, Lowen, Matayoshi, Matsumoto, McKelvey, Perruso, Quinlan, and Thielen participating remotely via videoconference, and with the exception of Representatives Har, McDermott, and Say, who were excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 543) was received and announced by the Clerk:

Sen. Com. No. 543, transmitting H.B. No. 2294, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," which passed Third Reading in the Senate on June 29, 2020.

Representative Belatti moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Morikawa and carried: (Representatives Har, McDermott, and Say were excused.)

H.B. No. 2294, HD 1, (SD 2)

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Morikawa, seconded by Representative Ward and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Har, McDermott, and Say were excused.)

UNFINISHED BUSINESS

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1230-20) recommending that S.B. No. 2701, HD 1, as amended in HD 2, pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2701, HD 2 pass Third Reading, seconded by Representative Morikawa.

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

"I stand in support. But I wanted to make it abundantly clear that the Legislature, in passing this third reading bill, does not in any way allow for a violation of any constitutional rights, that the permission is to be granted to the property, entry into the property, but not into the building or the structure itself. And for those reasons, I stand in support. I note that the committee report did not make that clear and I just want to make sure that the Journal reflects the legislative intent. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2701, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDINGS," passed Third Reading by a vote of 48 ayes, with Representatives Har, McDermott, and Say being excused.

At 12:10 p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2701, HD 2

REPORTS OF STANDING COMMITTEES

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1232-20) recommending that H.C.R. No. 20, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 20, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE TRANSFER OF THE LEASED FEE INTEREST IN A PORTION OF 610 COOKE STREET, HONOLULU, HAWAII, TO THE CITY AND COUNTY OF HONOLULU," was referred to the Committee on Judiciary, with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1233-20) recommending that H.C.R. No. 24 be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 24 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, on 1233, authorizing the issuance of an easement, I'm a no vote on that."

Representative Wildberger rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Perruso rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Mr. Speaker, real quickly, because it's second reading, reservations on the same matter. Thanks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAALAWAI, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representative McKelvey voting aye with reservations, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1234-20) recommending that H.C.R. No. 25 be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 25 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote again about the issuance of an easement. These are our shoreline areas, Mr. Speaker, and it's not the way that we should be dealing with the looming problem of sea level rise. I think we need to have a much more comprehensive look at this. And if any easement has to be extended, it should be for a period of one or two years to allow the Department of Land and Natural Resources time to come up with an actual plan that's going to work to preserve our beaches and our shorelines. And hardening them is not the way to go. Thank you."

Representative Wildberger rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. No vote, same reason. *Mahalo*."

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

"Mr. Speaker, reservations for the reasons stated in the last reso."

Representative Perruso rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMANALO, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, SEAWALL, AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representative McKelvey voting aye with reservations, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1235-20) recommending that H.C.R. No. 26 be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 26 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, same thing, same reasons, and a no vote, please."

Representative Wildberger rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Perruso rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative McKelvey 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 the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representative McKelvey voting aye with reservations, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1236-20) recommending that H.C.R. No. 27 be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1237-20) recommending that H.C.R. No. 28 be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1238-20) recommending that H.C.R. No. 29 be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 29 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, on 1238, again, an easement on the shoreline, and a no vote, please."

Representative Wildberger rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Perruso rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT NAPILI 2 AND 3, LAHAINA, MAUI, FOR AN EXISTING WALKWAY, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1239-20) recommending that H.C.R. No. 30, as amended in HD 1, be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 30, HD 1 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wildberger rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Perruso rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative McKelvey 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 the report of the Committee was adopted and H.C.R. No. 30, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA, WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representative McKelvey voting aye with

reservations, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1240-20) recommending that H.C.R. No. 31 be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 31 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, same reason. Here we're going again with another easement on our shorelines, and it's not the right way to go. I think this body should instead send a message back to the administration and to the Department of Land and Natural Resources. We need to have a comprehensive plan to address the sea level rise, and it's not by granting easements for structures that harden our shoreline. Thank you, a no vote, please."

Representative Wildberger rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Perruso rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative B. Kobayashi rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, comments in support with reservations. I would note that some of these items have easements for a term, whereas on the previous items on the prior page, we had at least two items with perpetual easements. And I think those are the things that are disturbing because there is, as the good Representative from Windward has said, no policy, no standard by which these easements are granted. So, it's particularly disturbing, I think, when you have a perpetual easement, and even the term easement I think needs to be examined as to the length of the term. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA HOMESTEADS, KIHAI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representatives B. Kobayashi and McKelvey voting aye with reservations, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1241-20) recommending that H.C.R. No. 32 be referred to the Committee on Finance.

Representative Belatti moved that the report of the Committee be adopted, and that H.C.R. No. 32 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, another no vote, please. I'm just concerned that this body is not sending the strong message back that it should be sending to the administration and the Department of Land and Natural Resources. Let's get a policy going. Let's see what we're going to do. How do we best address the sea level rise? How do we preserve our beaches? How do we make sure that we preserve our beaches? Not by hardening our shoreline. Thank you."

Representative Wildberger rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Perruso rose to speak in opposition to the measure, stating:

"Same request and for the same reasons. *Mahalo*."

Representative McKelvey 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 the report of the Committee was adopted and H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA HOMESTEADS AND BEACH LOTS, KIHAI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Finance, with Representative McKelvey voting aye with reservations, with Representatives Perruso, Thielen, and Wildberger voting no, and with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1242-20) recommending that H.R. No. 127 be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.R. No. 127, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF THE LONG-TERM WATER RIGHTS LEASES FOR HAWAIIAN ELECTRIC'S NON-CONSUMPTIVE WATER USE ALONG THE WAILUKU RIVER BY DIRECT NEGOTIATION AND PROVIDE GUIDANCE ON DETERMINING THE VALUE OF THE ANNUAL WATER LEASE RENT," was referred to the Committee on Finance, with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1243-20) recommending that H.C.R. No. 147 be referred to the Committee on Finance.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF THE LONG-TERM WATER RIGHTS LEASES FOR HAWAIIAN ELECTRIC'S NON-CONSUMPTIVE WATER USE ALONG THE WAILUKU RIVER BY DIRECT NEGOTIATION AND PROVIDE GUIDANCE ON DETERMINING THE VALUE OF THE ANNUAL WATER LEASE RENT," was referred to the Committee on Finance, with Representatives Har, McDermott, and Say being excused.

Representative Yamane, for the Committee on Water, Land, & Hawaiian Affairs, presented two reports:

(Stand. Com. Rep. No. 1244-20) recommending that H.R. No. 146 be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1245-20) recommending that H.C.R. No. 167 be referred to the Committee on Finance.

Representative Belatti moved that the reports of the Committee be adopted, and that H.R. No. 146; and H.C.R. No. 167 be referred to the Committee on Finance, seconded by Representative Morikawa.

Representative Ward rose to speak in support of both measures, stating:

"Strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 146, entitled: "HOUSE RESOLUTION RECOGNIZING THE UNIQUE LANGUAGE AND CONTRIBUTIONS TO HAWAIIAN CULTURE OF THE NIIHAU COMMUNITY," was referred to the Committee on Finance, with Representatives Har, McDermott, and Say being excused; and

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE UNIQUE LANGUAGE AND CONTRIBUTIONS TO HAWAIIAN CULTURE OF THE NIIHAU COMMUNITY," was referred to the Committee on Finance, with Representatives Har, McDermott, and Say being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1246-20) recommending that S.B. No. 2920, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2920, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Har, McDermott, and Say being excused.

ANNOUNCEMENTS

Representative Luke, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Tuesday, June 30, 2020, at 2:05 p.m. in Conference Room 329, and the Chair "so ordered."

S.B. No. 2523, SD 1, HD 1, proposed HD 2, Relating to Public Safety.

ADJOURNMENT

At 12:22 p.m., on motion by Representative Morikawa, seconded by Representative Ward and carried, the House of Representatives adjourned until noon tomorrow, Wednesday, July 1, 2020. (Representatives Har, McDermott, and Say were excused.)

HOUSE COMMUNICATIONS

House Communication dated June 30, 2020, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measure:

H.B. No. 2294, HD 1, SD 2