

FORTY-NINTH DAY

Wednesday, July 1, 2020

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, convened at 12:05 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative Della Au Belatti, after which the Roll was called showing all members present, with Representatives Creagan, DeCoite, Gates, Har, Matayoshi, Matsumoto, McDermott, Perruso, Quinlan, and Thielen participating remotely via videoconference.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. Nos. 544 through 551) was received and announced by the Clerk:

Sen. Com. No. 544, transmitting S.C.R. No. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL FUNDS FOR NATIVE HAWAIIAN HOUSING BLOCK GRANTS UNDER THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AND IDENTIFY AND SECURE OTHER FORMS OF DIRECT ASSISTANCE TO ADDRESS THE AFFORDABLE HOUSING NEEDS OF THE NATIVE HAWAIIAN POPULATION AND URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ASSIST AND TRAIN INDIVIDUAL HAWAIIAN HOMESTEADS ON THE TECHNICAL ASPECTS AND PROCESSES INVOLVED IN EXPENDING AND UTILIZING NATIVE HAWAIIAN HOUSING BLOCK GRANTS," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 545, transmitting S.C.R. No. 3, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT ADMINISTRATIVE RULES THAT BETTER PROTECT HISTORIC RESOURCES AND TO CREATE A TASK FORCE," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 546, transmitting S.C.R. No. 13, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO PASS THE CLINICAL TREATMENT ACT TO AMEND TITLE XIX OF THE SOCIAL SECURITY ACT TO REQUIRE MEDICAID TO COVER THE ROUTINE COSTS OF CARE FOR PATIENTS WITH LIFE-THREATENING CONDITIONS WHO ARE ENROLLED IN CLINICAL TRIALS," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 547, transmitting S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND KAUAI DEPARTMENT OF PUBLIC WORKS TO CONDUCT A STUDY TO IDENTIFY AND RECOMMEND METHODS TO ALLEVIATE TRAFFIC CONGESTION AT CERTAIN INTERSECTIONS ALONG THE KAUMUALII HIGHWAY," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 548, transmitting S.C.R. No. 54, SD 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING VARIOUS GOVERNMENT AGENCIES TO TAKE APPROPRIATE ACTIONS TO PROTECT THE WAHI PANĀ OF WAIMAKAOHI-IKA AND PRESERVE THE TRADITIONAL AND CUSTOMARY PRACTICE OF MAKING SALT BEDS AND GATHERING PA'AKAI (SALT) IN HANAPEPE, KAUA'I," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 549, transmitting S.C.R. No. 77, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, IN CONJUNCTION WITH THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY, TO

PROVIDE A PROGRESS REPORT REGARDING THE DEVELOPMENT OF THE KAU WATER SYSTEM," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 550, transmitting S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF USING RECYCLED PLASTIC TO REPAIR ROADWAYS," which was adopted by the Senate on June 30, 2020.

Sen. Com. No. 551, transmitting S.C.R. No. 86, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE AND COMMEMORATE AUGUST 26, 2020, AS WOMEN'S EQUALITY DAY, CELEBRATING THE CENTENNIAL OF, AND HONORING HAWAII'S ROLE IN, THE WOMEN'S SUFFRAGE MOVEMENT," which was adopted by the Senate on June 30, 2020.

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 certain Senate Bills for Third Reading by consent calendar.

REPORTS OF STANDING COMMITTEES

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1247-20) recommending that S.B. No. 2425, SD 1 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2425, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1248-20) recommending that S.B. No. 2878, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2878, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE THERAPY," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1249-20) recommending that S.B. No. 2877, SD 1, HD 2 pass Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 2877, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1250-20) recommending that S.B. No. 2629, SD 2, HD 1 pass Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2629, SD 2, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

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

"Mr. Speaker, no vote, brief comment. Mr. Speaker, I think we're gambling with our future by obviating or taking off the table the possible use of coal. It's good that we're not going to have coal. We don't know what

percentage of the pollution that comes out of Hawaii is actually coal, but we know it's the cheapest source of electricity. And if we ever wanted to go back to it, this says, hey you can't do it.

"Presently, the contractor and his present contract expires in 2021. Let's just let it expire, then if we never ever need to put it back on the table, we've got it, versus, hey we gotta go back and reverse this.

"Mr. Speaker, the United States has the world's largest supply of coal, and it's the cheapest way. And technology increasingly takes all the stuff out of the air. The filtering and that technology is getting more and more sophisticated. If that was not the case, we wouldn't have catalytic converters on our cars to keep all of that stuff out of the air.

"The point is, we're taking off something on the table that really have as a strong asset, and I just think it's premature to take it off the table. For those reasons, Mr. Speaker, I think it's not a good policy. Thank you."

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

"Mr. Speaker, in opposition, brief comment. The industry itself is already moving to remove coal from its production of electricity. So, like the Representative from Hawaii Kai actually mentions, since this is already happening in place, why are we actually trying to shoot ourselves in the foot should an emergency such as natural disaster or even war happen that may require us to actually use coal in the future? So, without predicting the future, like we had a hard time predicting COVID-19, I don't think this bill should pass. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In anticipation that there would be misinformed claims about the cheapness of coal made, I just have a few quotes I'd like to have entered into the Journal in support. So, from an article in USA Today, which was dated June 5, 2019, please insert the following quote, Coal is over. Coal is more expensive than any other major electricity generation system.

"From a Bloomberg.com article dated March 22, 2020 titled, 'Coal is now the world's most expensive fossil fuel,' please insert the following quote, Coal is now the world's most expensive fossil fuel. It's also the dirtiest fossil fuel, emitting about twice as much carbon dioxide as natural gas and 30% more than gasoline when burned.

"And finally, from a FastCompany.com article dated March 16, 2020 from an article titled, 'From the U.S. to Europe to China to Russia, renewables are now cheaper than coal,' please include the following quote, we aim to challenge the long-standing narrative that coal power is cheap and will continue to remain a cheap source of energy. The current coronavirus crisis may impact renewable energy, but the crisis may also mean that coal becomes an even worse deal. Renewables, as the lowest-cost energy on the grid, will be used first as demand drops. On balance, the coronavirus crisis may not be as bad for renewables as one might suspect. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a point of clarification. I'm not saying the renewables are bad, I'm saying, why not have it as a reserve? Why put one arm behind your back and you don't need it? So, what the good representative says is probably true. But the point is, renewables, we used to have solar on every roof as the mantra of my office. And then suddenly HECO said, well look we got too much coming out of the roof, we can't have it anymore.

"The point is to have a backup. Just like we don't want to have uranium or actually nuclear-powered stuff. But we have it something that if we need it, we probably should use it. The point is, Mr. Speaker, we need to have all options, and this one obviates one.

"But we should go for renewable, we should be 100% renewable for 2040 and do it well, but make sure if anything slips, just like now, we're slipping in tourism. Well we've got all of our eggs in one basket. If we slip on the renewables, what are we going to do to pull out the energy which all of us need to survive on.

"For those reasons, Mr. Speaker, I just think it's sound policy by not saying, okay this is bad, but ok, we're going to put it aside, we're not going to throw it into the trash bin of history. For those reasons, Mr. Speaker, I think we're still prematurely taking it off the table. Thank you."

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

"Thank you, Mr. Speaker. In strong support, brief comment. It's time for climate crisis, hair on fire, COVID notwithstanding. We have got to do everything. It's everyone in this room's *kuleana* and on Zoom to reduce our greenhouse gas emissions, and the era of extraction behavior needs to be over.

"Hawaii doesn't have any stores of coal. We have to bring coal in by container ship from the Mainland. So, we want to diversify our energy supply with renewables. We can use our green waste and produce clean gas that can be used to diversify our renewable portfolio. Thank you."

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

"Mr. Speaker, in support. I just note, very briefly, that the last of the few major power outages experienced here on Oahu came because our coal plant tripped offline. Part of the challenge being that as a centralized power source, it cannot adapt to the changing nature of the grid.

"Further, the reason that a bill like this would be warranted is that any extension of the power purchase agreement could be for many years or even decades, which would lock our ratepayers into paying higher prices artificially than solar, batteries, and other technology, were they put onto the grid now, would otherwise allow. It is a risk aversion and cost aversion measure to make sure that we lower our cost of living. 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. 2629, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Cabanilla Arakawa, Kong, McDermott, Okimoto, and Ward voting no.

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

S.B. No. 2425, SD 1
S.B. No. 2878, HD 2
S.B. No. 2877, SD 1, HD 2
S.B. No. 2629, SD 2, HD 1

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1251-20) recommending that S.B. No. 2260 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. 2260, entitled: "A BILL FOR AN ACT RELATING TO CIVIL IDENTIFICATION CARDS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1252-20) recommending that S.B. No. 2188, SD 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. 2188, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE OFFENSES," passed Second Reading and was placed on the calendar for Third Reading.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1253-20) recommending that S.B. No. 2612, 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. 2612, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING

TO SPORTS OFFICIALS," passed Second Reading and was placed on the calendar for Third Reading.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1254-20) recommending that S.B. No. 2185, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 2185, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

Representative Okimoto rose and asked that the Clerk record an aye vote with reservations 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 S.B. No. 2185, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Okimoto voting aye with reservations.

Representative Lee, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1255-20) recommending that S.B. No. 2139, 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. 2139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," passed Second Reading and was placed on the calendar for Third Reading.

At 12:17 p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:21 p.m.

THIRD READING

S.B. No. 3054, SD 2, HD 1:

Representative Belatti moved that S.B. No. 3054, SD 2, HD 1 pass Third Reading, seconded by Representative Morikawa.

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

"Thank you, Mr. Speaker. A no vote. As a wise colleague once told me about many of the things we do, especially in this case, it's a solution looking for a problem. And oftentimes, when we do some of these things it's fire, ready, aim, no pun intended, but I just don't see why we need to put this language in a bill and make local law-abiding citizens go through this. Thank you, very much."

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

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

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

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

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

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

Representative DeCoite rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative DeCoite's written remarks are as follows:

"In opposition. While I can appreciate the need for the state and law enforcement to have accurate firearm registration statistics, this is not the way to do it. This is another firearms bill that imposes more restrictions and requirements on law-abiding firearms owners. I also feel that this is going to put more on the local police departments when there is no clear way to enforce this law."

Representative Matsumoto rose in opposition to 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:

"Thank you, Mr. Speaker. I rise in opposition to S.B. No. 3054, SD 2, HD 1 with the following comments.

"This law will require residents who permanently move a firearm out of the state to call the county police and let them know a firearm is leaving the state. Failure to do this results in a \$100 fine per firearm.

"While I am in support of laws that promote safety, there is no connection between reporting firearms that leave the state and safety. What problem is this bill solving? There does not seem to be a need for this bill as shown by the number who testified for it – three – and those who testified against it – almost 200 individuals and organizations. There was no testimony supporting the idea that this bill would increase public safety.

"This bill will be nearly impossible to enforce. Gun owners who move out of state and forget to report that they moved with their firearms will be out of the jurisdiction of the State of Hawaii. Will the State spend money to track them down and attempt to collect the fine? The cost involved in doing so would exceed the fine itself. Or, perhaps the State is expecting the county police to do random checks of registered gun owners and make sure the number of weapons matches those registered.

"Finally, I am in opposition to this bill because it is another administrative burden placed on the law-abiding public. Hawaii's gun laws are some of the strictest in the nation. Those who own firearms have to meet training requirements, background checks, and jump through many hoops to legally own a firearm in our state. This law just adds another requirement that bears no relation to public safety.

"For these reasons, I am opposed to this bill. Thank you, Mr. Speaker."

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

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

Representative Har 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 S.B. No. 3054, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARM REGISTRATION," passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Aquino, Cullen, Gates, Hashimoto, Holt, McKelvey, San Buenaventura, and Todd voting aye with reservations, and with Representatives DeCoite, Eli, Har, Kitagawa, Kong, Matsumoto, McDermott, Okimoto, Quinlan, Say, Tokioka, Ward, and Yamane voting no.

At 12:26 p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 3054, SD 2, HD 1

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 House Bill for Final Reading by consent calendar.

FINAL READING

Representative Belatti moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Morikawa and carried:

H.B. No. 2500, (SD 1)

H.B. No. 2500, SD 1:

Representative Belatti moved that H.B. No. 2500, SD 1 pass Final Reading, seconded by Representative Morikawa.

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

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

"Mr. Speaker, as I did before, with reservations and a brief comment. Mr. Speaker, this bill, if our calculations are correct, goes over the constitutional spending limit by 11%. So, we're almost at 30%. Which, for the sake of what we've gotta get through, we gotta bridge it, we gotta do what most families will do that use credit cards when they have a rough time, somebody loses a job, companies will shore up with loans. We're doing the right thing.

"But, Mr. Speaker, the point is the implications of this are, to get out of this hole we need to really ginny up our economy. We really need to get going with entrepreneurship, cutting regulations, cutting red tape, and letting our business community thrive in order to get out of this debt. It's good that we're doing this, but it means when you know a possible weakness, it's a potential strength.

"So, this is good, but it's going to be bad if we don't wake up and let the GET tax, which is 50% of our budget, which comes out of the business community, and wages, 25%, 75% of what keeps the lights on in this building, in this state, is the business community. So, if we're going to go in debt, we gotta have a way to get out of debt. And with that, Mr. Speaker, is to say, this is good, but it's a foreboding for, hey let's loosen up, let's be more entrepreneurial, creative, innovative in the future in order to pay this back. Otherwise, all we're doing is pushing it down to our grandkids and their kids. And unfortunately, that's the model we have at the national level, and it doesn't work fiscally in the long run. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support of House Bill 2500. We wanted to thank the administration for continuous work on trying to figure out the timing. We understand that the bond declaration bill that was passed when we left in the second interim session, we needed to wait for the bond ceiling GM first, prior to passage.

"In addition to that, thanks to B&F, they were able to identify additional funding that was initially cash that could be converted into GO. And the good thing about that is, because we are able to convert some of these cash projects to GO, we don't have to continue to cut and raise taxes. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2500, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 51 ayes, with Representatives Okimoto and Ward voting aye with reservations.

At 12:31 p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2500, SD 1

SUSPENSION OF RULES

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representative Takumi was excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Belatti moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Morikawa and carried: (Representative Takumi was excused.)

H.B. No. 361, HD 1, (SD 2)

ANNOUNCEMENTS**COMMITTEE ASSIGNMENTS**

The following measures were referred to committee by the Speaker:

S.C.R.

<u>Nos.</u>	<u>Referred to:</u>
2, SD1	Committee on Finance
3, SD1	Committee on Finance
13, SD1	Committee on Finance
50	Committee on Finance
54, SD1	Committee on Finance
77	Committee on Finance
78	Committee on Finance
86, SD1	Committee on Finance

ADJOURNMENT

At 12:32 p.m., on motion by Representative Morikawa, seconded by Representative Ward and carried, the House of Representatives adjourned until noon tomorrow, Thursday, July 2, 2020. (Representative Takumi was excused.)

HOUSE COMMUNICATIONS

House Communication dated July 1, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate on March 6, 2020, and gives its notice of intent to agree to the following House Bill:

H.B. No. 361, HD 1, SD 2

House Communication dated July 1, 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 this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2500, SD 1