#### THE

### THIRTIETH LEGISLATURE

# STATE OF HAWAI'I

#### REGULAR SESSION OF 2020

#### JOURNAL OF THE SENATE

#### FIRST DAY

#### Wednesday, January 15, 2020

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawai'i, the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, was called to order at 10:05 a.m., by the Honorable Ronald D. Kouchi, President of the Senate.

The members of the Senate and guests rose for the invocation by Reverend David Fujimoto of Mililani Hongwanji Mission, followed by the singing of the National Anthem and "Hawai'i Pono'7" by Ms. Nalani Brun of the County of Kaua'i Office of Economic Development.

The Roll was then called showing all Senators present with the exception of Senator Harimoto who was excused.

At this time, Senator Taniguchi recognized a delegation from the Fukuoka Prefectural Assembly who were seated in the gallery, including Mr. Wataru Kurihara, chairman; Mr. Isao Kurauchi, senior Assembly member; members of Sho Cho Kai in Fukuoka; and executive staff.

Senator Kidani introduced Mr. Rana Sakar, Consul General of Canada in San Francisco, who was seated in the gallery, noting that he was appointed in 2017 and previously served as national director for high-growth markets at KPMG Canada and co-chairman of the advisory board at the Munk School of Global Affairs & Public Policy at the University of Toronto.

Senator Rhoads recognized former State Senator Melodie Aduja, Chief Justice Mark E. Recktenwald of the Supreme Court, State of Hawai'i, and Rod Maile, Administrative Director of the Courts, all of whom were seated in the gallery.

Senator Ihara welcomed a group of 14 honor students from the University of Hartford's Hillyer College in Connecticut, who were present in the gallery with Hillyer College Dean David Goldenberg, Professor Stephan Bullard, and Professor Rebecca Townsend. Senator Ihara noted that it was the sixteenth year of the program in which students learn Hawaiian culture, history, and art through a collaboration with the University of Hawai'i School of Pacific and Asian Studies.

Senator Kahele remarked that his father had brought him to the Opening Day of the Thirteenth Legislature in 1984, and that he was blessed that morning to bring his daughters 'Iolana and Nāmaka to the Opening Day of the Thirtieth Legislature. Accompanying them in the gallery was his wife, Maria.

On behalf of the Maui delegation, Senator Baker recognized the Honorable Michael Victorino, Mayor of the County of Maui, as well as various councilmembers and the county's tourism liaison.

Senator Kidani introduced Office of Hawaiian Affairs Trustee Hulu Lindsey, who was seated in the gallery.

The Chair recognized Office of Hawaiian Affairs Trustees John D. Waihe'e IV and Kalei Akaka, who were also seated in the gallery.

Senator Keohokalole introduced Office of Hawaiian Affairs Chief Executive Officer Sylvia Hussey, who was present in the gallery.

The Chair extended additional greetings to Office of Hawaiian Affairs Trustee Brendon Kalei'āina Lee, who was seated in the gallery.

Senator Nishihara introduced Major General Kenneth Hara, Adjutant General of the State of Hawai'i Department of Defense, who was seated in the gallery.

The Chair shared that, despite his earlier explanation to the Fukuoka delegation that the Opening Day festivities were scaled back during the second year of the biennium, the Senate's floor session was actually well-attended and the gallery was full of guests. The Chair then extended an additional welcome to various executive branch department directors and deputy directors and county councilmembers who were present in the gallery, and recognized the Honorable Josh Green, Lieutenant Governor of the State of Hawai'i, and his wife, Mrs. Jaime Green, who were seated on the dais.

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

"I told my colleagues that we're going to say, 'Let's get to work,' and then let's go because I didn't expect anybody in the gallery, so you've messed me up here this morning. I will begin by saying what I said at the beginning of each of my previous remarks. To each one of our family members, to all of the friends and supporters each of us have, who have the privilege to sit in the seats on this Senate chamber floor: We want to express our sincere gratitude for everything that you have done to give us the opportunity to serve the people of Hawai'i. As the President, I am fortunate enough where I can introduce my wife, Joy, who's sitting in the gallery, and my eldest son, Dan, and his girlfriend, Katie, sitting next to my wife, Joy. I was told, if I was making that introduction, that I had to clarify that Katie is the proud product of Maui no ka 'oi, and she's not a Kaua'i girl.

"The other thing I'd like to say is that we have many philosophical differences, and we have passionate philosophical arguments among ourselves as we go through the course of the session, but you cannot help but feel a family tie to all of the members here because of the time we spend together, and we get to know each other personally. And I know, recently, Senator Thielen, Senator Riviere, Senator Rhoads, Senator Kim, Senator Kahele have all lost parents, and, this past November, I for the first time experienced that, losing my dad. In 1982, he was the person who was most influential in starting me on a career of government service, and this is the first time we're going to have the Opening Day of a legislative body I serve in and he's not present. Like all of you and others who have lost their parents before this, I better understand the emptiness that you feel, the longing and how much you miss someone whose counsel you could rely on, someone whose only motivation in advising you was your best interest, that they weren't interested

in any other kind of personal gain, just to see you do your best—and, most importantly, at least in the case of my father, the person who was unafraid to tell me when I was off-base, to tell me when he thought I was wrong, and to tell me what he thought the right path would be to get back on. So, thanks, Dad; I miss you a lot, appreciate everything that you have done, and, like all of my colleagues, for their late family members, we appreciate the differences that they've made in their lives.

"I would also like to give you a report very quickly before I talk about the future. Last year, I talked about how we were going to double food production in the State of Hawai'i, how we were going to get agriculture productive, and I'm happy to report to you that, before the end of 2018, the Kona hospital, state hospital, started serving farm-fresh menus in their cafeteria. In February of last year, the two state hospitals on Kaua'i, the Samuel Mahelona Memorial Hospital in Kapa'a and Kauai Veterans Memorial Hospital in Waimea, started serving farm-fresh meals on Kaua'i. When Dr. Linda Rosen of Hawai'i Health Systems saw what happened in Kona and on Kaua'i, she held a meeting of the state hospital board in February and they adopted a policy to convert all state hospitals in the next two years, now, to farm-fresh menus. On Kaua'i, before the farmfresh menus they were serving five to ten meals a day to employees. They are now serving in excess of a hundred meals a day and having requests from the community to come in. We talked back in 2013 about possibly closing and/or privatizing the whole state hospital system. What's happening on Kaua'i has now dropped \$55,000 to the bottom line, and while that may not be a large amount of money when you look at the operational cost of the hospital, we are not only getting better health outcomes for our patients, for our employees, but we are also adding to the bottom line and finding how we can pick the low-hanging fruit and turn it into positives. They have gone to over 60 percent of the meals served being locally sourced. That is significant because we don't have a dairy on Kaua'i, we don't produce chicken on Kaua'i, so there are quite a bit of items that you cannot produce locally to make those farm-fresh meals happen, and so they've made great strides. Last week Monday, the 15 public schools on Kaua'i, two years ahead of the rest of the DOE statewide, have started serving farm-fresh meals for our students on Kaua'i. It has been, at the hospitals and the schools, an incredible collaboration process with the HGEA and the UPW. We could not make this kind of change without the unions working hand in hand with us to make all of this happen. We have gotten tremendous private-sector assistance; Chef Mark Oyama, the head of the culinary program at the Kaua'i Community College; the executive chefs at several of the hotels have volunteered their time to come out; and a collective group of growers; and we are trying to set up the distribution systems and the procurement systems that we can take this out statewide. The Big Island: How do we recover from the devastation of the lava flow, and with all of the land that you have, I am still optimistic that this is going to be a gamechanging program to assist you. With Mahi Pono taking over the central plain of Maui, I did call Mahi Pono when I read about the 50,000 pounds of food donated to the food banks. I said, 'We don't need that many for the schools on Kaua'i, but a little bit might help out,' so I'm trying to work with them to be sure that they're going to actively engage in the farm-to-school program and create better meals for our students, so I am incredibly excited. First Lady Dawn Ige has been a great partner: She has been primarily focused on the healthier breakfasts and better participation than the 50th place—out of 50 states and the District of Columbia—that Hawai'i currently rates, and is working very hard to move us up and make sure that our kids have nutritional choices. It is clear that they learn at a better rate when they are well-fed and able to think clearly.

"Yesterday, January 14, 2020, we had a press conference, so I'm not going to get into the details because the committee

chairs talked a lot about it. I simply want to say that we have received criticism over the years for a process shrouded in secrecy. We have received criticism for getting to a point of agreement too late in the session so there's too little time for input from the public on important legislation. And by coming forward yesterday with four bold initiatives and laying them out to the public, we are hoping to create a more transparent process. We are hoping to create a process that is going to engage our community.

"Last year, we partnered with Pacific Resource Partnership to have a phone app to try and engage younger voters, and last year, we voted for all mail-in ballots. We are working hard to address the concerns of the working men and women of Hawai'i. We are working hard to address the issues about Hawai'i not being affordable, and losing our most valuable asset, our people, because they can't afford to live here. And we are striving hard to get better engagement by creating communication tools that are more comfortable for people much younger than I am, and by making voter accessibility much greater. I look forward to what we are going to collectively achieve. I am incredibly proud, at a time when we look in Washington, D.C., and see the divisiveness in our nation's capital and the gridlock, when I see the news reports about state houses across the nation that are unable to work, that we have been able to come together, talk to the House, talk to the Governor and his administration-Lieutenant Governor Green is here with us this morning to show his support and willingness to work together—that we are going to be a shining model for the rest of the nation. Thank you very much."

At this time, the President called on Senate Minority Leader Kurt Fevella.

Senator Fevella rose to present the following remarks:

"Thank you, Senate President. I'm still nervous; even though I talk to a lot of you guys all the time, I'm still nervous in talking in front of you guys, but aloha and good morning. I just want to thank everyone here today for coming out to the State Capitol to join us on this Opening Day of the 2020 legislative session. First and foremost, I want to thank our heavenly father for his blessing upon me and my family every single day. I want to mahalo Senate President Ron Kouchi and Vice President Senator Michelle Kidani, Lieutenant Governor and your lovely wife, Jaime, and honored guests and my colleagues. I just want to share a little bit. When I first got here, I had a very open mind, I was willing to work, and I just want to thank all my colleagues, every single one, those that I had a lot of contact with and those I didn't have much contact with. It was a privilege and an honor working with everyone last session, and I really look forward in working this session with you guys the same way. I know I belong to 16 committees; I try very hard to be at every single one of them. That is my goal as serving to the state and also my community. But I just want to thank you guys all for opening up your hearts and minds, and giving me that aloha. Thank you, guys.

"I'm also thankful every day, waking up in this beautiful State of Hawai'i that we call home, especially my hometown of 'Ewa Beach. I am grateful to stand here before you as the state senator, serving and representing my family and friends of District 19. I'd like to reassure you that we are focused and committed and assure that we're a better Hawai'i to implement beneficial and developmental programs and projects that benefit you, the people. We are the working people of Hawai'i, working long hours, laboring in every changing weather, sitting in traffic as we commute to work every day. Some of us have multiple jobs just to make ends meet. I want to let you know that I care, and I understand your everyday struggles. During this session, I'll make sure that the bills that we introduce will help each and every one of us here because one job should be enough.

"Hawai'i is at a critical crossroads, and we all agree that Hawai'i should become energy-independent by the year 2045, but at what cost? This is what I share every day with my family and friends around the state. When our quality of life impact our public health and safety along killing our indigenous species, like our native bats, pollinating bees, and our environment and our ecosystem, we as legislators need to look closely in the process which we set forth to helping our communities. It was really touching for me when my fifteen-year-old daughter who goes to Campbell High School-as you guys know, the most crowded school in the state—had wrote, 'Who will take care of our aloha 'āina if not we, the people? Until the last aloha 'āina, I will not stop protecting my Hawai'i.' When she wrote this, I didn't have the chance to read it when she wrote this essay for one of her classes, and her teachers and her fellow students had spoken to me about it. Not everybody knows my daughter; I mean, she's not like her dad (little bit more open-spoken), but she's more reserved. So when I read this, it really touched my heart to know, not only are our kids worried about plastic straws and all the stuff that we have going on that we are battling here at this capitol, but also our environment and our ecosystem is very, very critical to these kids.

"I will not stop protecting my Hawai'i.' What does that mean to us, guys? Every one of us here got into the position that we are in today because we want to make sure that we protect our home where we love and we serve. And again, I would like to thank you all for just sharing and being with me through this session. All my colleagues here, it's just a humbling experience for me to be here. Thank you, Senate President; again, thank you guys all here; thank you to all my colleagues. I look forward to working with you all and just making Hawai'i a better place for everyone. Thank you and God bless."

The Chair then shared that the 2020 Senate Legislative Program was available, and that it wasn't the "Majority package" since the Minority member had also embraced the United Nations Sustainable Development Goals that were the cornerstone of the Senate's priorities. The Chair thanked Majority Leader English, his staff, and the Senate Communications office for their work in producing the program.

## INTRODUCTION OF SENATE BILLS

On motion by Senator Kahele, seconded by Senator Fevella and carried, the following bills passed First Reading by title and were referred to committee or deferred:

S.B. No. 2001	"A BILL FOR AN ACT RELATING TO	)
	MINORS."	

Introduced by:	Senators	Rhoads,	Chang,	Keith-Agaran,
	Vidoni			

Introduced by:	Senators Rhoads	, Baker,	Chang,	Moriwaki
	Nishihara.			

Referred to:	Committee	on		Public	Safety,
	Intergovernme	ental,	and	Military	Affairs,
	then to the Co	mmitt	ee on	Indiciary	

S.B. No. 2003	"A BILL FOR A	AN ACT RE	ELATING TO
	THE INTER	RSTATE	COMPACT
	PROHIBITING	COMPAN	NY-SPECIFIC
	SUBSIDIES."		

Introduced by:	Senators	Rhoads,	Chang,	Keith-Agaran
	Shimabuk	turo.		

Referred to:	Committee on Government Operations, then jointly to the Committee on Commerce, Consumer Protection, and Health and the
S.B. No. 2004	Committee on Judiciary "A BILL FOR AN ACT RELATED TO

S.B. No. 2004	A BILL FOR AN ACT RELATED	10
	MENTAL HEALTH TREATMENT."	

Introduced by: Senators Rhoads, Chang, Keith-Agaran, Baker.

Referred to: Committee on Ways and Means

S.B. No. 2005 "A BILL FOR AN ACT RELATING TO VOTING."

Introduced by: Senators Rhoads, Chang, English, Kanuha, Keith-Agaran, Keohokalole, Shimabukuro.

Referred to: Committee on Transportation, then jointly to the Committee on Judiciary and the

Committee on Ways and Means

S.B. No. 2006 "A BILL FOR AN ACT RELATING TO RANKED CHOICE VOTING."

Introduced by: Senators Rhoads, Chang, Keith-Agaran, Shimabukuro.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

S.B. No. 2007 "A BILL FOR AN ACT RELATING TO PROPERTY MANAGEMENT."

Introduced by: Senator Rhoads, by request.

Referred to: Committee on Commerce, Consumer Protection, and Health

S.B. No. 2008 "A BILL FOR AN ACT RELATING TO CIVIL LEGAL SERVICES."

Introduced by: Senators Rhoads, Chang, Keith-Agaran, Moriwaki, Shimabukuro, Nishihara.

Referred to: Committee on Ways and Means

S.B. No. 2009 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Rhoads, Baker, Keith-Agaran, Ruderman, English, Kidani, Moriwaki.

Referred to: Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means

"A BILL FOR AN ACT RELATING TO

S.B. No. 2010 "A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT."

Introduced by: Senators Rhoads, Keith-Agaran, Chang, Keohokalole, Shimabukuro.

Referred to: Committee on Labor, Culture and the Arts, then jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary

S.B. No. 2011 "A BILL FOR AN ACT RELATING TO TIME SHARES."

Introduced by: Senator Baker, by request.

Referred to: Committee on Commerce, Consumer Protection, and Health

Jointly to the Committee on Labor, Culture and the Arts and the Committee on Water

and Land, then to the Committee on Ways

and Means

Introduced by: Senator English. Referred to: Committee on Ways and Means Referred to: S.B. No. 2023 "A BILL FOR AN ACT RELATING TO TAXATION." Introduced by: Senator English.

S.B. No. 2032	"A BILL FOR AN ACT RELATING TO RENTAL DISCRIMINATION."
Introduced by:	Senators Chang, Baker, Fevella, Harimoto, Kanuha, Moriwaki, Ruderman.
Referred to:	Committee on Housing, then to the Committee on Judiciary
S.B. No. 2033	"A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF JUSTICE."
Introduced by:	Senator Rhoads.
Referred to:	Committee on Commerce, Consumer Protection, and Health, then to the Committee on Judiciary
S.B. No. 2034	"A BILL FOR AN ACT RELATING TO LIQUOR LAW VIOLATIONS."
Introduced by:	Senators Rhoads, Moriwaki, Kim, Taniguchi, Wakai.
Referred to:	Committee on Public Safety, Intergovernmental, and Military Affairs, then jointly to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary
S.B. No. 2035	"A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by:	Senators Chang, Fevella, Moriwaki.
S.B. No. 2036	"A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by:	Senators Chang, Nishihara.
S.B. No. 2037	"A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by:	Senators Chang, Fevella, Wakai.
S.B. No. 2038	"A BILL FOR AN ACT RELATING TO BOARD MEMBERS."
Introduced by:	Senators Chang, Baker, Kanuha, Ruderman, Rhoads.
S.B. No. 2039	"A BILL FOR AN ACT RELATING TO MOBILE ELECTRONIC DEVICES."
Introduced by:	Senators Chang, Kidani, Kanuha, Moriwaki.
S.B. No. 2040	"A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by:	Senators Chang, Fevella, Harimoto, Kanuha, Moriwaki.
S.B. No. 2041	"A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING."
Introduced by:	Senators Chang, Baker, Moriwaki, Kanuha, Kidani, Taniguchi.
S.B. No. 2042	"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."
Introduced by:	Senators Chang, Fevella, Kanuha, Moriwaki, Ruderman.
S.B. No. 2043	"A BILL FOR AN ACT RELATING TO LEASEHOLD CONDOMINIUMS ON STATE LAND."
Introduced by:	Senators Chang, Kanuha, Moriwaki.

"A BILL FOR AN ACT RELATING TO S.B. No. 2044 HOUSING SAVINGS ACCOUNTS." Introduced by: Senators Chang, Baker, Taniguchi. S.B. No. 2045 "A BILL FOR AN ACT RELATING TO INFRASTRUCTURE." Introduced by: Senators Chang, Moriwaki, Baker, Fevella. S.B. No. 2046 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IX, SECTION 5, OF THE HAWAII STATE CONSTITUTION, TO REQUIRE THE STATE TO PRODUCE ENOUGH HOUSING TO MEET DEMAND."

Introduced by: Senators Chang, Moriwaki, Fevella.

#### SENATE RESOLUTION

The following resolution (S.R. No. 1) was read by the Clerk and was disposed of as follows:

S.R. No. 1 "SENATE RESOLUTION ADOPTING THE SENATE ADMINISTRATIVE AND FINANCIAL MANUAL OF THE SENATE OF THE THIRTIETH LEGISLATURE."

Offered by: Senators English, Fevella.

On motion by Senator Kahele, seconded by Senator Fevella, S.R. No. 1 was adopted.

At this time, Senator Rhoads introduced his friend and neighbor Elle McDonald, who participates in the Deaf-Blind Task Force, as well as former State Senator Suzanne Chun Oakland and a number of guests from the Lanakila Senior Center.

Senator Keohokalole recognized Office of Hawaiian Affairs Trustees John D. Waihe'e IV and Kalei Akaka, who were seated in the gallery. Senator Keohokalole then announced that his office was featuring an artwork display by individuals who had received mental health services at the Koʻolau Clubhouse in Kāne'ohe to help raise awareness of the important work that the clubhouse does.

Senator Dela Cruz announced that the Committee on Ways and Means would be holding a joint informational briefing with the Committee on Transportation that afternoon at 12:30 p.m., followed by a joint informational briefing with the House Committee on Finance at 2:30 p.m.

Senator Shimabukuro acknowledged friends and colleagues in the gallery audience, and wished Senator Gabbard hauʻoli  $l\bar{a}$  hānau

The Chair extended happy birthday wishes to Governor Ige as well.

### ADJOURNMENT

At 10:42 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Thursday, January 16, 2020.