

## SIXTEENTH DAY

## Monday, February 10, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:41 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Fifteenth Day.

Senator Keohokalole rose to present the following remarks:

"Colleagues, this week is Hawaiian Caucus Week: E Ala e Lāhui, a rising lāhui. As chair of the Senate Hawaiian Caucus, I'm proud to announce that this week, both the Senate and House will be recognizing community leaders who have contributed to the advancement of the Hawaiian community.

"We begin today by honoring a community organization dedicated to serving our 'ōpio, or youth. I'd now like to yield my time to my colleague from Hilo."

Senator Kahele commended the Kalihi Pālāma Culture & Arts Society, and presented the following remarks:

"E Ala e Lāhui, a lāhui rising, starts with our keiki, our 'ōpio, who will always be our future. This organization was created in 1972 for the purpose of providing education, training, and to provide much-needed services in the area of culture and the arts. The Kalihi-Pālāma Culture & Arts Society, a nonprofit community-based organization whose primary target was for the underprivileged population residing in the Kalihi-Pālāma area, provides special projects throughout a statewide basis. Two such programs are the Queen Lili'uokalani Keiki Hula Competition and the Malia Craver Hula Kahiko Competition, which recognizes and highlights our 'ōpio in the art of Hawaiian dance, the hula. Created in 1976 and held at A'ala Park, which featured multi-ethnic dance performances, Hawaiian crafts, demonstrations, a pageant of Hawai'i's mō'i wāhine, and the first keiki hula competition, Kalihi-Pālāma's program coordinator, Kahu Wendell Silva, along with committee chairman and kumu hula legend, Hilo's own Uncle George Na'ope, envisioned a competition where children could share their achievements in hula while learning about Queen Lili'uokalani, her 'ohana, and Hawai'i's historical past. The Kalihi-Pālāma Culture & Arts Society mission was to create an organization to perpetuate the Hawaiian culture through dance and, by doing so, teach a new generation to carry on the traditions of hula into the future; they were rising a lāhui. Now entering its 45th year, the Queen Lili'uokalani Keiki Hula Competition has estimated that over the course of its illustrious history, over 20,000 keiki have participated in and benefited from the organization's cultural events and programs.

"In 1986, the Kalihi-Pālāma Culture & Arts Society took over sponsorship and, with Aunty Malia Craver and Mr. Earl Kawai, the Hawai'i Secondary Schools Hula Kahiko Competition was introduced. The purpose of the competition is to provide students to learn about the Hawaiian culture, receive hula training, share their skill and knowledge in ancient Hawaiian hula, and compete among their peers, again rising a lāhui.

"Another project was the documentation of 135 hula resources who revealed interesting stories of their hula lineage and philosophies. These interviews, along with photographs, were compiled into two large format books titled, *Nānā I Na Loea Hula (Look to the Hula Resources)*, both Volumes I and II.

"Today, the Kalihi-Pālāma Culture & Arts Society offers classes at various locations in hula, Okinawan dance, Filipino dance, 'ukulele, and drama classes with the sole purpose of empowering and rising our 'ōpio.

"At this time, Mr. President, I'd like to yield my time to the colleague from Kalihi."

Senator Kim rose to present the following remarks:

"I have the privilege of introducing our honorees today. First, the founder of Kalihi-Pālāma Culture & Arts Society, someone that I've known for a long time: Kahu Wendell Kalani Silva and his wife, Sharon Silva. Mr. President, both of them have served the community for 40-plus years. Together they are passionate about sharing their Native Hawaiian culture and heritage in a variety of unique, interesting ways, and they look forward to sharing with our 'ōpio. The president of Kalihi-Pālāma Culture & Arts Society is Trisha Kehaulani Watson; and their vice president is none other than our fellow colleague, former Senator Suzanne Chun Oakland; and the executive director of Kalihi-Pālāma Culture & Arts Society, Guy Sabilla."

Senator Kahele rose to yield his time to the senator from Kāne'ohe to complete that morning's presentation.

Senator Keohokalole rose and stated:

"Well, I decided to cut the program a little bit short so our wonderful guests can enjoy the accolades that they are about to receive, but just to sum it up real quick because I'm terrible reading off of a piece of paper, this week is Hawaiian Caucus Week. Each day, we will be honoring a different segment of our community. We start today with this wonderful community organization that honors our youth; we'll also make presentations in honor of our mākuā, our kūpuna, the surrounding community that have helped rise the lāhui (as is our theme for this week), and we'll finally end with Hawaiian Caucus Day on Friday. We ask all the members in the Chamber and also in the gallery to join us in the morning on Friday, when we will be also honoring one of the distinguished ali'i trusts that's done so much for our community. So without further ado, thank you, and also thank you to the President and the Speaker for allowing this week to go on so that we can continue to honor the efforts of our Hawaiian community. Mahalo."

The Chair thanked the Hawaiian Caucus for its hard work.

Senator Taniguchi rose to share brief remarks about his good friend, Wendell Silva, noting that when he was in the State House of Representatives and served as the chair of the Committee on Culture and the Arts, he and Wendell did a lot of damage. Senator Taniguchi stated that Wendell is a great advocate for the arts and that he was glad to see him.

The Chair commented that Wendell Silva appears to adhere to the "walk softly and carry the big stick" school of management.

Senator English rose to share that Wendell Silva is family to him, and that he was Senator English's mother's date to the prom. Senator English was "hānai'd" by Wendell's mom and dad; they took care of him when he was a baby and he grew up with all of Wendell's brothers and sisters. Senator English considers them like his family and was very happy to see them.

At 11:50 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 a.m.

**STANDING COMMITTEE REPORTS**

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2424) recommending that S.B. No. 2038 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2038, entitled: "A BILL FOR AN ACT RELATING TO BOARD MEMBERS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2425) recommending that S.B. No. 2079, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE AUDITOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2426) recommending that S.B. No. 2080, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BUILDINGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2427) recommending that S.B. No. 2115, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2428) recommending that S.B. No. 2139 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2139, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2429) recommending that S.B. No. 2047, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2047, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Thielen and Kidani, for the Committee on Government Operations and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2430) recommending that S.B. No. 2293, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.B. No. 2293, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2431) recommending that S.B. No. 2670, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2670, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Health.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2432) recommending that S.B. No. 2671, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2671, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Health.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2433) recommending that S.B. No. 2827 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2827, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION TRANSACTION FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2434) recommending that S.B. No. 2908, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF DEBT SERVICE ON THE TURTLE BAY REIMBURSABLE GENERAL OBLIGATION BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2435) recommending that S.B. No. 2912 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2912, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION COMMERCIAL PERMITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Keohokalole, for the Committee on Technology, presented a report (Stand. Com. Rep. No. 2436) recommending

that S.B. No. 2837, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY STEERING COMMITTEE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2437) recommending that S.B. No. 2788 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2788, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2438) recommending that S.B. No. 2885, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2885, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2439) recommending that S.B. No. 2887, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 2440) recommending that S.B. No. 3072 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 3072, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Wakai, for the Committee on Transportation and the Committee on Energy, Economic Development, and Tourism, presented a joint report (Stand. Com. Rep. No. 2441) recommending that S.B. No. 3111, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.B. No. 3111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2442) recommending

that S.B. No. 2283 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2283, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2443) recommending that S.B. No. 2336, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2444) recommending that S.B. No. 2337, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2337, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2445) recommending that S.B. No. 2465, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSITIONS CLINIC NETWORK PILOT PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2446) recommending that S.B. No. 2665 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2665, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2447) recommending that S.B. No. 2891 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2891, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF YOUTH SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2448) recommending that S.B. No. 3142 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and

S.B. No. 3142, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PUEO DEVELOPMENT, LLC," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2449) recommending that S.B. No. 3178 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 3178, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2450) recommending that S.B. No. 2719, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2719, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2451) recommending that S.B. No. 2750 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2750, entitled: "A BILL FOR AN ACT RELATING TO BOTTLED WATER," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2452) recommending that S.B. No. 2777 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2777, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2453) recommending that S.B. No. 2738, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2454) recommending that S.B. No. 2856 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2856, entitled: "A BILL FOR AN ACT RELATING TO THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2455) recommending that S.B. No. 2824, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2456) recommending that S.B. No. 2663, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2663, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL IMPACT STATEMENT LAW," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2457) recommending that S.B. No. 2717, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2717, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2458) recommending that S.B. No. 2702, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2702, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2459) recommending that S.B. No. 2708, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means and the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2708, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL ENTERPRISES," passed Second Reading and was referred to the Committee on Ways and Means and the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2460) recommending that S.B. No. 2817, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2461) recommending that S.B. No. 2727, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

### ORDER OF THE DAY ADVISE AND CONSENT

Stand. Com. Rep. No. 2414 (Gov. Msg. No. 507):

Senator Shimabukuro moved that Stand. Com. Rep. No. 2414 be received and placed on file, seconded by Senator Kahele and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of TYLER I. GOMES as Deputy to the Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands, term to expire at noon on December 5, 2022 (title amended to Deputy to the Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands by Gov. Msg. No. 511), seconded by Senator Kahele.

Senator Shimabukuro rose to speak in support of the nominee as follows:

"Tyler Gomes possesses an impressive display of experience for someone his age, which ranges from his education in Hawaiian language and his time working as a law clerk to his role as partnerships manager at Elemental. As a deputy public defender, he fought for the people of Hawai'i, ensuring that the laws were upheld, justice was done, and Hawai'i's most vulnerable citizens were protected.

"I'd like to quote some of Mr. Gomes' many supporters:

"Jim Murphy, executive director of Honolulu Habitat for Humanity, testified: 'I believe Tyler Gomes to be enthusiastically interested in providing systemic, lasting and positive change in DHHL's interaction in the communities. We currently have almost 20 families whose homes are either under construction or in the planning phase. All of them on DHHL land and all because of the partnership between our two agencies. With Tyler Gomes' leadership, I am confident our ability to serve more and support DHHL goals will be even greater.'

"Susan Arnett testified: 'I've known Tyler for almost ten years. Professionally, I've known him as a law clerk to Judge Dexter Del Rosario and as a respected colleague in the State Office of the Public Defender. I was impressed with his diligence and his commitment to his clients. He has a keen mind and demonstrated an ability to focus on the most important aspects of a case. He related easily with his clients who were from diverse ethnic and cultural backgrounds. Tyler is an energetic member of our community who has continually worked to make things better for those who need assistance in a variety of ways.'

"Dr. Kamana'o pono Crabbe testified: 'Mr. Gomes has proven exceptional competency of systemic socio-political and cultural issues that continue to impact Native Hawaiians. His ability to assess such matters and implement actions through collaborative relationships and programs is a unique quality of character. He is an emerging leader within the Native Hawaiian community and familiar with controversial issues of land tenure, water rights, and the affordable housing crisis given his legal background and professional experience.'

"Colleagues, I'm confident that the combination of Tyler's unique legal background, his ingenuity, and his empathic ability will help him navigate the complex issues surrounding DHHL as well as aid him in crafting new and creative solutions to inspire improvement and development. I urge you to support his confirmation. And, Mr. President, I have additional comments I'd like to add to the Journal."

The Chair having so ordered, Senator Shimabukuro's additional remarks read as follows:

"I would like to quote some of Mr. Gomes' many supporters.

"Rebecca Soon: 'I have known Mr. Gomes for 20 years as a classmate, colleague, consultant, community advocate, and friend. Throughout that time, he has consistently been put forward as a leader among his peers. He is an extremely hard worker, passionate about community, and naturally empowers those around him to fulfill their potential.'

"Jonathan Likeke Scheuer: 'In my interactions with him in the time he has been at DHHL, I have seen him bring his considerable intelligence and intuition to bear on complex issues. This is complimented by his calm and engaging demeanor, which is a great asset in dealing with this precious trust and obligation held by the people of Hawai'i.'"

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Senator Shimabukuro introduced Deputy Tyler Gomes, who was accompanied in the gallery by his parents, Ed and Georgette Gomes; his husband, Blair Suzuki; and his sister Kaleimomi Gomes.

The Chair remarked:

"I know I got chastised by Senator Ihara for speaking too early where I'm not supposed to influence the vote from the rostrum, so I did want to say just two things to Tyler: One, I was impressed in watching the hearing that people who had come in with their minds made up changed their minds, and it's not easy to have someone who's felt they know you and did all of their homework and research come in and be willing to stand up and acknowledge that change, so you clearly brought a fresh perspective. And the second is, I hope you are given the opportunity to pursue some of these new ideas and that your energy that you bring is going to be supported and we will see the fruit borne by that energy, so congratulations."

Stand. Com. Rep. No. 2415 (Gov. Msg. No. 506):

Senator Shimabukuro moved that Stand. Com. Rep. No. 2415 be received and placed on file, seconded by Senator Ihara and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of WILLIAM J. AILA as Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands, term to expire December 31, 2022 (title amended to Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands by Gov. Msg. No. 510), seconded by Senator Ihara.

Senator Shimabukuro rose to speak in support of the nominee as follows:

“Colleagues, the final count of testimony received on time was 136 in support, 127 opposed. I subtracted state agencies from these numbers to give you a more accurate picture of the breakdown.

“I realize this has been a divisive confirmation process. In listening to the opposition, I realize their concerns are valid. However, much can be attributed to the lack of funding, resources, and land mass given to a department tasked with the impossible: righting a wrong done to an indigenous people over a hundred years ago.

“As one testifier aptly stated, it’s not Mr. Aila who he opposes, but rather the fact that the very government which illegally overthrew the Hawaiian kingdom is now in charge of choosing the person in charge of making reparations. In frustration, he told the committee, ‘If it was *me* who was appointed, I would oppose myself!’

“Based on my personal knowledge of William Aila’s character and longstanding commitment to serving his community, I stand with those who support his confirmation. His supporters include key leaders from across the state, including: from Hawai’i island, Puanani Woo and Edward Halealoha Ayau; from Maui, Kaleo Cullen, president of Ka Ohana O Kahikinui, and Randy Awo; from Kaua’i, Sherry Cummings Yokotake, Junedale Hashimoto, and Jade Haunani Pacheco; from Moloka’i, Glenn Teves and Lori Buchanan; from urban O’ahu, Puni Kekauoha and Esther Kia’aina; from Kapolei, Homelani Schaedel; from Wai’anae, Kapua Keliikoa-Kamai, Sharlette Poe, Poka Laenui, Carl Jellings, Sr., Lu Ann Faborito, Duane DeSoto, and Eric Enos; and from Nānākuli, Kamaki Kanahale, Paige Kapi’olani Barber, Cynthia Rezentes, and Shaena Hooihuli. In addition, leaders from the Hawaiian community supported Mr. Aila, including Kali Watson, Dr. Kamana’opono Crabbe, OHA Trustee Haunani Apoliona, Pono Shim, John Monis, Mahealani Cypher, Leialoha ‘Rocky’ Kaluhiwa, and many others.

“I would like to share some of Director Aila’s supporters’ mana’o with you:

“Kamaki Kanahale and Ivan Lui-Kwan submitted joint testimony, stating: ‘Kamaki Kanahale founded the [Sovereign Council of Hawaiian Homestead Associations, or] SCHHA in 1987 and currently serves as Chair Emeritus of the SCHHA. The directors of the Hokupili Foundation are leaders of Hawaiian Home Lands community associations in Nanakuli and Waianae. As a beneficiary of the trust and resident in a Hawaiian Home Lands community, William is an inspirational role model for our haumana. His exceptional performance in significant leadership positions in the State of Hawaii serves as an inspiration for all beneficiaries of the trust, particularly our young people. . . He has excellent capacity, is fair and honest, and works well with people.’

“Pono Shim, president and CEO of Oahu Economic Development Board, testified: ‘Any leader asked to serve our Native Hawaiian Community at a Governmental level will sit in a seat with a gallery of support and disdain. To carry oneself with a commitment to the appointment of the seated responsibilities and to recognize the added silent missing of being a bridge to those in the seat of disdain is crucial for our Hawaii. William is a strong man and like my identified heroes, he is also a leader with a gentle spirit. He gets the best and most from his staff, he is serving the mission of the commission, and he has the presence to heal. I ask that you confirm his appointment.’

“Mahealani Cypher and Rocky Kaluhiwa testified: ‘The Ko’olaupoko Hawaiian Civic Club and Ko’olau Foundation are

two Native Hawaiian community organizations who have a long history of commitment to Hawaiian people. We humbly urge you to vote in favor of the appointments of William Aila and Tyler Gomes as director and deputy director of DHHL. They are a very good combination of experience and new skills that may help to move DHHL forward in the years ahead.’

“Edward Halealoha Ayau testified: ‘Despite serious disagreements with what I characterize as his mishandling of the Mauna Kea Access Road situation by denying beneficiaries such as myself the right of open consultation with the Hawaiian Homes Commission . . . I nonetheless support his confirmation because I know deep down inside William is a man of integrity. I base this opinion from having worked with him for about 15 years in the care and protection of iwi kūpuna and moepū during which time I came to know his na’au and he came to know mine. I recognize others may disagree with me, but when one works hand in hand to care for the ancestors, that is a bond not easily broken.’

“And Eric Enos testified: ‘I have worked along-side William Aila, Jr. and his extended ohana for most of my life in all issues pertaining to the care and protection of cultural sites, both in the Moku of Waianae and outwards. I know William very well from working in the trenches alongside him and his ohana. He works tirelessly, consistently, without regard to public recognition and willing to stand up for the long haul of ‘change we must’ to help correct the wrongs perpetrated against our indigenous people. Whether or not William Aila, Jr. is confirmed, or not confirmed, you will be stuck with a broken paddle needing fixing. A suggestion: whomever we finally put in the Chair of the Department of Hawaiian Homelands has an uphill, and perilous climb. Many trying to climb that wall, are stuck in rhetoric. Others, we must help to climb up, or we must send them rope down, or extra paddles. Hoe ka wa’a! In time of storm and strife, for us, William Aila, Jr. and his ohana nui was always there to lend a hand, or even help to step up and swing. We cannot listen just to those in the stands. We have come on to the bench, have a plan, and get out into the field and ‘Kanu ka ‘Aina.’

“During his tenure, Mr. Aila has begun diversifying lot offerings with products including turnkey homes, vacant lots, and preowned homes. Mr. Aila has also taken steps toward increasing the number of products available to beneficiaries while preparing to produce 1,300 lots over the next five years. Mr. Aila’s other accomplishments at DHHL include completing new administrative rules for planned community, multi-family complexes, and rental housing, which expand residential lease offerings and housing opportunities. These new administrative rules for rental housing are an integral part of the release of an RFP issued under the leadership of Mr. Aila to develop affordable rentals at 820 Isenberg Street in Mō’ili’ili. Given the greatest demand for rental leases on O’ahu, Mr. Aila worked to secure additional land on O’ahu suitable for residential development through the purchase of three parcels in Mō’ili’ili from Kamehameha Schools. Further, Mr. Aila was able to acquire 44 acres utilizing affordable housing credits near Wailuku, Maui, that have 137 turnkey homes and 24 vacant lots scheduled to become available following an EA.

“Mr. Aila is open to collaboration, and I have faith that he will lead DHHL well. I urge you to support his confirmation.”

Senator Ihara rose to speak in support of the nominee as follows:

“Mr. President, thank you for appointing me to serve on the Committee on Hawaiian Affairs. It’s my first appointment to this committee in 34 years, and a timely one. So I’m relatively new to direct involvement on Hawaiian issues. If you bear with me, I’ll explain how I’ve come to decide my vote on G.M. 506.

“Last year, in 2018, I found the Hawaiian Homes confirmation process quite contentious and disturbing to me, and very confusing. It reminded me of the harsh and unforgiving sentiments heard on the national level.

“Besides my legislative experience, I’m fortunate to have long involvement in the national deliberative democracy field as a trustee of a mid-size foundation, and also as founder of several community-based nonprofit organizations.

“We’ve found that today’s live-TV, national civic education programming, led by our own President and Congress, is all about power and the difference between political values and civic values.

“In the advice and consent process of nominee Aila, I’ve learned a lot about power. Unpacking the perceived and felt power struggle between the leadership responsible for implementing the Hawaiian Homes Commission Act on one side and, on the other side, 50 percent Hawaiian homestead beneficiaries and those on and off the waitlist.

“I understand that Prince Kūhiō disagreed with several key provisions of the Hawaiian Homes Commission Act—blood quantum and leasehold issues, to name a few—but made a political decision to consent to its passage. He used his nonvoting political power for what he believed was best for his Hawaiian people. To some, it might have been better to let this congressional bill die. Maybe so.

“As a foundation trustee myself, I view passage of this congressional Act as a political compromise to secure the votes needed, presumably by a majority vote that did not qualify for a single-senator’s filibuster and therefore two-thirds cloture vote. As a trusteeship matter, it’s an impractical situation with fundamental conflicts of interest baked into the Act. I believe a common aspiration for amending the Act among all concerned could lead to a sincere proposal to a future Congress, especially a receptive U.S. Senate.

“Our federal constitution sets forth the governing structure for the awesome power of government. In America, we have a representative form of government, with a populace wishing it was a more citizen-centered, deliberative democracy. Current U.S. democracy gives ‘we the people’ the right to elect representatives who are endowed with two very special powers: One, the executive and congress, or, in our case, governor and legislature, have the power to **deem** what is best for the nation or state. Right or wrong, good or bad, we delegate the power to chart our future to those we elect. The second special power is called ‘the ends justifies the means’. Within the bounds of the Constitution, our elected leaders can and sometimes must do whatever it takes to accomplish what is deemed best for ‘the people’. Combined, these are superpowers that elected officials have to direct the use of government’s vast civic resources.

“While I’m at it, I’ll mention the other two civic resource groups in any community: tax-exempt financial assets held by the philanthropy community, and the human resources organized by nonprofit organizations. I don’t initially count business philanthropy because of its private economic interests, though it often organizes effective civic efforts.

“I mention the three civic sectors because, combined, they can be trusted to use our community’s resources, our civic resources, and power for civic purposes. I call it a civic north star, not to be confused with the political north star of private interest. The nation recently learned that re-election of a public official is a private interest and not a civic purpose. With new public awareness, voters have begun to track the actions of elected officials to evaluate whether they are guided by the civic or political north star.

“Even when what’s deemed good is consistent with our values, there’s often controversy over how power is used. I believe in the compassionate use of power. I believe in the use of power for civic purposes. I believe today’s unmooring of traditional civic platforms has taught us much about power.

“I believe current powerholders should own their power, which is awesome, a light for good, but also a source of unintended harms to the lives of individuals caught in the crush. The U.S. Government has been known to have done many bad deeds in our history. In the relationship of power vis-a-vis ‘the people,’ it feels like power is always right because power always wins. But political power can be wrong. I’ve seen 13 votes in this Senate change from time to time, and it doesn’t mean that one majority is better than the other; it simply means that the current majority gets what it wants for now.

“Kettering Foundation president David Mathews proposes a new way of democracy. Besides Lincoln’s ‘of, by, and for the people,’ he suggests ‘with’: a relationship **with** the people. I believe a **with** relationship starts with power kneeling to the people. Power is so powerful, it is able to accept, validate, and appreciate criticism, even from adversaries. And it is power’s responsibility to ensure civic spaces are safe from disrespect, diminishment, bullying, and indignities to our humanity.

“With this background, I entered the scene of the Hawaiian Homes Commission chair confirmation process this session. I assessed that unpacking layers of very stuck reality in this domain may take too long, so I took a riskier truth-telling route. Besides the interim commission and department chair, I saw the chair of the Sovereign Council of Hawaiian Homestead Associations as representing the main adversary and threat to the chair’s perceived power. Of course, there is no threat because power always wins, but it always feels threatening to powerholders at first.

“I believe the nominee has matured in his use of power. He is able to deploy power with compassion. The interim chair has accepted responsibility for the experience of Hawaiian Homes beneficiaries resulting from his actions. It’s his job to hear people who feel invisible. I find the nominee is capable of hearing criticism from adversaries in the adversaries’ context, hearing their truth as experienced in their reality.

“I had several separate and profound discussions with both the nominee and the perceived arch-adversary. Both love Hawai‘i and the Hawaiian people, and both seem to accept the situation at hand. I call it ‘accepting the cards we’re dealt with.’

“Both stand for upholding the dignity and respect of each person involved with the commission and department. At a dinner two weeks ago, the three of us started on a journey of respect that includes vigorous disagreement at times.

“I believe the nominee, William Aila, will endeavor to walk the talk of respect and appreciation of criticism—maybe not agreement, but at least appreciation—even when difficult. I am joining their journey, which is similar to many I’ve experienced with our current governor.

“Mr. President, little did I know what your appointment of me to the Hawaiian Affairs committee would lead to. It’s been quite a ride. I see extraordinary, loving, and committed people and Hawaiians involved with the Hawaiian Homes Commission. Thank you.”

The Chair responded:

“Thank you. I offer no comment on the choice you’re making, but I certainly appreciate the effort and due diligence you’ve put into your responsibility as a member of the committee, and, should Chair Aila be confirmed, I know that you, by putting yourself out there today with the remarks you

gave, are going to have people turning to you to help make sure that the words you spoke today are the actions going forward.”

Senator Fevella rose to speak in opposition to the nominee as follows:

“I sat here this morning; I wasn’t going to say anything. I rushed in from an event to be here. I wanted to show that Governor’s Message 507, that I was willing to give Mr. Gomes a chance in his position. Doing my research in his capabilities and what he can do because everybody asks me, ‘If it’s not William Aila, who?’ I understand Mr. Gomes is young, but we need new and different things that we need for our Hawaiian people.

“Like I said, I wasn’t going to get up, but I just want to give a little history lesson, fellow colleagues. Last session, when Jobie and Mr. Aila were walking around to get support for the two of them as a team, a lot of people had voiced their opinion to our governor, including myself, and then Jobie went away. Then we proceeded into putting Mr. Aila through, and I had talked to some of my colleagues here and my staff that, when Mr. Aila gets confirmed, he will hire Jobie. A lot of senators here, I know, you guys had the opposition to Jobie being the leader of Hawaiian Homes. You had your issues, and you were willing to give Mr. Aila a chance. And so did I, even though I voted ‘no.’ When Jobie had been hired by, at that time, the deputy or acting director of Hawaiian Homes, it already made my decision from then. We knew the leader of the Hawaiian people, State of Hawai‘i, was not going to go in the direction that we needed to, and everything fell into place. Instead of having him lead, like how we’re hearing today of his great leadership, he did not. He did not lead; he **enforced**. There’s a difference. We heard the word ‘bullying,’ that leadership and power usually prevail. Well, every single homestead on this island, every single homestead, maybe a few exceptions on the homestead, is in opposition to this nominee. We have a lot of people out there voicing their opinion and being opinionated to this nominee. Like I said, I came to show my support and my change of heart to Mr. Gomes, but I cannot change my vote and the way I feel today because of what had happened in the last year under the leadership of Mr. Aila.

“We’re not going to blame him for all the things that happened previously, but the proof is in the pudding of what had happened on Mauna Kea. I asked him, before I asked Suzanne Case at DLNR, and I asked other people that were involved. I asked him point-blank, ‘Who was responsible for the arrests of the kūpuna on Mauna Kea?’ He said it wasn’t him. Took him for his word for it, so, again, I approached another person, and that was Suzanne Case. She said it was a collaborative effort from all of the people on Mauna Kea. But the lead on Mauna Kea, like jurisdiction, is Hawaiian Homes. Again, the nominee had them be part of the arrests instead of being part of the solution because as a leader of this state, and of the Hawaiian people, he should have went there and ho‘oponopono with them before the arrests of our kūpuna. Then he was asked, when I went to a Hawaiian Homes meeting in Big Island, ‘Who took down the shack that was up there on the Mauna?’ He took responsibility. I asked him how many commissioners—because the commissioners, he said, he answers to. He answers to the commissioners. So I asked most of the commissioners, found out he only talked to two commissioners on the phone. There was no beneficiary letter, nothing to move forward, nothing to let the beneficiaries know what he was doing or letting the other commissioners know.

“So as I sit here and I hear a lot of things—like I told him and I told a lot of people here, I have nothing personal against Mr. Aila, but if we’re going to go forward and having something to grow on and having things better for our Hawaiian people, we need to have change. And you all know here that I’m all about giving people second chances and believing in people

that they can do the job. Well, he had his second chance to prove to me this whole year, coming to where we are today, that he could lead with a soft hand, not a fist. And that’s what he proved me, that he went in that direction because that’s the only direction that he knows, and he came down as a little ball coming down the hill, like the snowball effect, and it got bigger. Yes, not everything is his fault, but he could’ve made the change the day he got confirmed to be the acting director from the governor, and not hire Jobie to work with him at Hawaiian Homes. And there are other things that he has done under his administration since he took over that’s not going well with the Hawaiian people on the homesteads, especially in Kapolei. Yeah, we had a few people from the homestead, Kamaki and all these others who support, but the other part of Kamaki that helped run his SCHHA, Robin Danner, is opposed. And that’s who our senator had dinner with, with Mr. Aila, because Senator told me that he was going to do that and he was going to get his purview into his investigation. Same thing I told all the senators here, but I silently give him a chance, an opportunity, to show that he can be the great leader that he was when he was at DLNR in the beginning of DLNR, and how he used to fight tooth and nail for his Hawaiian people and the land where he lived. So we all know him for that, but things have changed, things went in different directions. I don’t know why; I never asked him that point-blank, but today, I sit here, representing all of my family and all of my Hawaiian community. I cannot sit here and I cannot vote ‘yes’ for William Aila. So my vote for him will be ‘no’ today on the floor.

“I had a lot of other things to say, but because of time, I’m going to yield myself, Senate President, but I’m just saying I cannot vote ‘yes’ because the proof is in the pudding. If he never have put Jobie in, to me—I had phone calls from you guys, a lot of you guys, after he hired Jobie, and this is the words exactly was from my fellow senators in this chamber, ‘Wow, it’s a slap in all our faces.’ And I’ll leave it at that. Mahalo.”

The Chair having so ordered, Senator Fevella’s additional remarks read as follows:

“A major concern was whether significant changes would be made by the Interim Director. Instead, the Interim Director hired, as a consultant, his prior superior, Jobie Masagatani.

“Also, on December 16, 2019, at the December Hawaiian Home Lands Commission meeting, the Commission was given a few questions. Interim Chair Aila responded by saying he will answer these questions in writing and will post his replies on the [dhhl.hawaii.gov](http://dhhl.hawaii.gov) website. He never did. So, another e-mail was sent to him on December 24, 2019, about the December 16 meeting and requesting a reply. Such a reply has never been received. Here are the questions raised in the Christmas Eve e-mail:

“1. There appear to be many things happening with regard to DHHL leases such as the recent lease extension granted to Catholic Charities. Was a letter sent out to DHHL beneficiaries on the lease extension to Catholic Charities. How many Commissioners voted on this extension, and who were the ones who voted in favor? How many Commissioners are needed for a quorum? Per the Sunshine Law, when did this public meeting take place?

“2. Does the Leihoku/Lualualei lease allow industrial waste to be dumped and stored on the property? Was a letter sent out to inform beneficiaries about this property? How many Commissioners voted to allow this industrial lease, and who were the Commissioners who voted in favor? How many Commissioners are needed for a quorum? Per the Sunshine Law, when was this public meeting held?



"3. The removal of the Ahu and the library on Mauna Kea: Are the minutes of the meeting that took place to decide on the removal of the Ahu and the library on Mauna Kea available to the beneficiaries and the public? Who authorized the machines on the Mauna? Where are copies of the demolition and disposal permits available to the beneficiaries and to the public? What about the destruction to the lava field by the truck equipment? How many Commissioners voted to remove the Ahu and the library, and who were they? Per the Sunshine Law, when did this public meeting take place?"

"4. The arrest of the Kupuna on Mauna Kea: Where are the minutes of the meeting that took place to decide on the arrest of the Kupuna on Mauna Kea? Where are copies of the letter, if any, sent to the beneficiaries with regard to the decision to arrest the Kupuna? How many Commissioners voted to arrest the Kupuna? Who were they? Per the Sunshine Law, when did this public meeting take place?"

"5. The lease to Canadians to build a solar farm on 300 acres of DHHL land: When did the Commissioners decide the property was not suitable for homesteading? Which of the Commissioners is qualified to determine that the property was unsuitable? Where available are the minutes of the meeting to authorize the lease of 300 acres to Canadians to Canadians, and who were the Commissioners in favor? How many Commissioners are needed for a quorum? Per the Sunshine Law, when did this public meeting take place?"

"6. At the August Legislative Informational Briefing, Interim Chair Aila stated that the Commissioners were consulted and decided on all of the issues listed above. How many Commissioners are needed to decide on and approve Board actions?"

The Chair clarified that he believed Senator Shimabukuro's reference to "Esther Kia'aina of Nānākuli" in her floor remarks should be corrected to "Esther Kia'aina of the Waimanalo area."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (English, Fevella, Kahele). Excused, 1 (Gabbard).

At this time, Senator Shimabukuro introduced Chair William J. Aila, who was present in the gallery with his wife, Melva Aila; sister-in-law Minerva Ka'ilikea; former Office of Hawaiian Affairs Chair and Trustee Haunani Apoliona; Jobie Masagatani; Attorney General Clare Connors; directors and staff supporters from various state departments and the Department of Hawaiian Home Lands; and other supporters.

At 12:33 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 p.m.

### THIRD READING

S.B. No. 2086, S.D. 1:

On motion by Senator Thielen, seconded by Senator Inouye and carried, S.B. No. 2086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2392 (S.B. No. 585, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2392 was adopted and S.B. No. 585, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE SCHOOL-LEVEL MINOR REPAIRS AND MAINTENANCE SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

S.B. No. 2920, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, S.B. No. 2920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2416 (H.B. No. 304, H.D. 2, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2416 was adopted and H.B. No. 304, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2417 (H.B. No. 1121, H.D. 1, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2417 was adopted and H.B. No. 1121, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WATER SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2418 (S.B. No. 583, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2418 was adopted and S.B. No. 583, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2419 (S.B. No. 584, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2419 was adopted and S.B. No. 584, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2420 (S.B. No. 587, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2420 was adopted and S.B. No. 587, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

Stand. Com. Rep. No. 2421 (S.B. No. 594, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 2421 was adopted and S.B. No. 594, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Gabbard).

**RE-REFERRAL OF A SENATE BILL**

The Chair re-referred the following Senate bill that was introduced:

S.B. No.: Re-referred to:

S.B. No. 2654 Committee on Housing, then to the Committee on Judiciary

**ADJOURNMENT**

At 12:44 p.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 11, 2020.