

THIRTY-NINTH DAY

Monday, May 18, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:43 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Rhoads, Ruderman, and Thielen present and participating via videoconference, and with the exception of Senator Harimoto who was excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3514) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

MAUREEN BATES, in accordance with Gov. Msg. No. 591;

MICHELLE ARAKAWA, in accordance with Gov. Msg. No. 592;

JACQUELINE INDREGINAL, in accordance with Gov. Msg. No. 593;

VERNA WAIKIKI, in accordance with Gov. Msg. No. 594;

VICTORIA MURRAY, in accordance with Gov. Msg. No. 595;

VICTORIA MURRAY, in accordance with Gov. Msg. No. 596;

TIMOTHY RENKEN, in accordance with Gov. Msg. No. 597;

MAILE MATHEWS-PEREZ, in accordance with Gov. Msg. No. 598; and

SANTO TRIOLO, in accordance with Gov. Msg. No. 599.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3514 and Gov. Msg. Nos. 591, 592, 593, 594, 595, 596, 597, 598, and 599 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3515) recommending that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

MICHAEL JONES, in accordance with Gov. Msg. No. 600;

DIAN GRUBER, in accordance with Gov. Msg. No. 601; and

CHRIS HONDA, in accordance with Gov. Msg. No. 602.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3515 and Gov. Msg. Nos. 600, 601, and 602 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3516) recommending that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

KEVIN NAKAMURA, in accordance with Gov. Msg. No. 551; and

ROGER BABCOCK, JR, in accordance with Gov. Msg. No. 552.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3516 and Gov. Msg. Nos. 551 and 552 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3517) recommending that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

CHAD WALTON, in accordance with Gov. Msg. No. 553;

ERIC BARSATAN, in accordance with Gov. Msg. No. 554; and

KAREN HOLT, in accordance with Gov. Msg. No. 555.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3517 and Gov. Msg. Nos. 553, 554, and 555 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3518) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Oahu Service Area Board of the following:

SIONE NAEATA, in accordance with Gov. Msg. No. 557;

SIONE NAEATA, in accordance with Gov. Msg. No. 558; and

MARGARET JACKSON, in accordance with Gov. Msg. No. 559.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3518 and Gov. Msg. Nos. 557, 558, and 559 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3519) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Maui Service Area Board of the following:

SANDRA DIAZ, in accordance with Gov. Msg. No. 560; and

SANDRA DIAZ, in accordance with Gov. Msg. No. 561.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3519 and Gov. Msg. No. 560 and 561 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3520) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Hawaii Service Area Board of the following:

STEVEN BRITAIN, in accordance with Gov. Msg. No. 562; and

STEVEN BRITAIN, in accordance with Gov. Msg. No. 563.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3520 and Gov. Msg. Nos. 562 and 563 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3521) recommending that the Senate advise and consent to

the nomination of SUSAN MAY to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 533.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3521 and Gov. Msg. No. 533 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3522) recommending that the Senate advise and consent to the nomination of JODI ANN NAKAOKA to the Radiologic Technology Board, in accordance with Gov. Msg. No. 556.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3522 and Gov. Msg. No. 556 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3523) recommending that the Senate advise and consent to the nomination of BYRON HANSEN to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 565.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3523 and Gov. Msg. No. 565 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3524) recommending that the Senate advise and consent to the nomination of EVAN FONG to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 566.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3524 and Gov. Msg. No. 566 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3525) recommending that the Senate advise and consent to the nominations to the Board of Certification of Public Water System Operators of the following:

MARK PRESCOTT, in accordance with Gov. Msg. No. 603; and

JODI YAMAMI, in accordance with Gov. Msg. No. 604.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3525 and Gov. Msg. No. 603 and 604 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3526) recommending that the Senate advise and consent to the nomination of SERAFIN COLMENARES, JR. as Administrator, State Health Planning and Development Agency, in accordance with Gov. Msg. No. 640.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3526 and Gov. Msg. No. 640 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3527) recommending that the Senate advise and consent to the nomination of PHILLIP LUCERO to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 681.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3527 and Gov. Msg. No. 681 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3528) recommending that the Senate advise and consent to the nomination of EDWARD CHU JR. to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 682.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3528 and Gov. Msg. No. 682 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3529) recommending that the Senate advise and consent to the nomination of DENBY RALL to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 687.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3529 and Gov. Msg. No. 687 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3530) recommending that the Senate advise and consent to the nomination of BRIAN UEMORI to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 700.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3530 and Gov. Msg. No. 700 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3531) recommending that the Senate advise and consent to the nomination of KATHERINE FINN DAVIS to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 736.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3531 and Gov. Msg. No. 736 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3532) recommending that the Senate advise and consent to the nomination of SCOTT AI to the Pest Control Board, in accordance with Gov. Msg. No. 698.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3532 and Gov. Msg. No. 698 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3533) recommending that the Senate advise and consent to the nomination of LESLIE MURATA to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 699.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 699 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3534) recommending that the Senate advise and consent to the nomination of MICHAEL NOJIMA to the Disability and Communication Access Board, in accordance with Gov. Msg. No. 728.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3534 and Gov. Msg. No. 728 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep.

No. 3535) recommending that the Senate advise and consent to the nomination of HEIDI ILYAVI to the State Council on Mental Health, in accordance with Gov. Msg. No. 748.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3535 and Gov. Msg. No. 748 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3536) recommending that the Senate advise and consent to the nominations to the Board of Dentistry of the following:

WALLACE FOOK CHONG III, in accordance with Gov. Msg. No. 679; and

WESLEY JOONG JUNG CHOY, in accordance with Gov. Msg. No. 680.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3536 and Gov. Msg. Nos. 679 and 680 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3537) recommending that the Senate advise and consent to the nominations to the Board of Psychology of the following:

DON PEDRO, in accordance with Gov. Msg. No. 683;

JAMES SPIRA, in accordance with Gov. Msg. No. 684;

JILL GRAY, in accordance with Gov. Msg. No. 685; and

SHERRY SUTHERLAND-CHOY, in accordance with Gov. Msg. No. 686.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3537 and Gov. Msg. Nos. 683, 684, 685, and 686 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3538) recommending that the Senate advise and consent to the nominations to the Motor Vehicle Industry Licensing Board of the following:

RUSSELL WONG, in accordance with Gov. Msg. No. 696; and

WAYNE DE LUZ, in accordance with Gov. Msg. No. 697.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3538 and Gov. Msg. Nos. 696 and 697 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3539) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

GREG TJAPKES, in accordance with Gov. Msg. No. 730; and

KU'ULEIALOHAONALANI SALZER-VITALE, in accordance with Gov. Msg. No. 731.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3539 and Gov. Msg. Nos. 730 and 731 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3540) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

EVERLYN KANESHIRO, in accordance with Gov. Msg. No. 732;

ROGER DANIELS, in accordance with Gov. Msg. No. 733;

TAMIA MCKEAGUE, in accordance with Gov. Msg. No. 734; and

TAMIA MCKEAGUE, in accordance with Gov. Msg. No. 735.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3540 and Gov. Msg. Nos. 732, 733, 734, and 735 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3541) recommending that the Senate advise and consent to the nominations to the Language Access Advisory Council of the following:

TULPE DAY, in accordance with Gov. Msg. No. 737; and

TULPE DAY, in accordance with Gov. Msg. No. 738.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3541 and Gov. Msg. Nos. 737 and 738 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3542) recommending that the Senate advise and consent to the nominations to the Radiologic Technology Board of the following:

KRISTEN POLENZ, in accordance with Gov. Msg. No. 746; and

RYAN MALLOY, in accordance with Gov. Msg. No. 747.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3542 and Gov. Msg. Nos. 746 and 747 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3543) recommending that the Senate advise and consent to the nominations to the Contractors License Board of the following:

CLYDE HAYASHI, in accordance with Gov. Msg. No. 637;

JOSEPH O'DONNELL, in accordance with Gov. Msg. No. 638;

ERIC HIGASHIHARA, in accordance with Gov. Msg. No. 688;

LEONARD LEONG, in accordance with Gov. Msg. No. 689;

LESLIE ISEMOTO, in accordance with Gov. Msg. No. 690;

MAURICE TORIGOE, in accordance with Gov. Msg. No. 691;

NEAL ARITA, in accordance with Gov. Msg. No. 692;

NEAL ARITA, in accordance with Gov. Msg. No. 693;

NICHOLAS TEVES, JR., in accordance with Gov. Msg. No. 694; and

PAUL ALEJADO, in accordance with Gov. Msg. No. 695.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3543 and Gov. Msg. Nos. 637, 638, 688, 689, 690, 691, 692, 693, 694, and 695 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3544) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

BARBARA SERVICE, in accordance with Gov. Msg. No. 739;

BARBARA YAMASHITA, in accordance with Gov. Msg. No. 740;

BEVERLY GOTELLI, in accordance with Gov. Msg. No. 741;

COLETTE BROWNE, in accordance with Gov. Msg. No. 742;

KATHLEEN WYATT, in accordance with Gov. Msg. No. 743;

MARILYN SEELY, in accordance with Gov. Msg. No. 744; and

ROBERTA MURRAY, in accordance with Gov. Msg. No. 745.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3544 and Gov. Msg. Nos. 739, 740, 741, 742, 743, 744, and 745 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3545) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

JON FUJII, in accordance with Gov. Msg. No. 625;

KATHI CALLES, in accordance with Gov. Msg. No. 626;

KATHI CALLES, in accordance with Gov. Msg. No. 627; and

DIANA FELTON, in accordance with Gov. Msg. No. 628.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3545 and Gov. Msg. Nos. 625, 626, 627, and 628 was deferred until Tuesday, May 19, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection and Health, presented a report (Stand. Com. Rep. No. 3546) recommending that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

JON FUJII, in accordance with Gov. Msg. No. 629;

TIMOTHY LINO, in accordance with Gov. Msg. No. 630;

RUSNELL PASCUAL-KESTNER, in accordance with Gov. Msg. No. 631;

EILEEN LAU-JAMES, in accordance with Gov. Msg. No. 632;

BEATRICE MARTINEZ, in accordance with Gov. Msg. No. 633;

RICHARD RIES, in accordance with Gov. Msg. No. 634; and

ALEXANDRA MACIAS, in accordance with Gov. Msg. No. 635.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3546 and Gov. Msg. Nos. 629, 630, 631, 632, 633, 634, and 635 was deferred until Tuesday, May 19, 2020.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3547) recommending that H.B. No. 1700, H.D. 1, 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 H.B. No. 1700, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3548) recommending that H.B. No. 1782, H.D. 1, 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 H.B. No. 1782, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3549) recommending that H.B. No. 2273, H.D. 1, 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 H.B. No. 2273, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3550) recommending that H.B. No. 2350, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and 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 H.B. No. 2350, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3551) recommending that H.B. No. 2753, H.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 H.B. No. 2753, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3507 (Gov. Msg. Nos. 611 and 612):

Senator Rhoads moved that Stand. Com. Rep. No. 3507 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

EDITH IGNACIO NEUMILLER, term to expire June 30, 2023 (Gov. Msg. No. 611); and

STACEY MONIZ, term to expire June 30, 2023 (Gov. Msg. No. 612),

seconded by Senator Keohokalole.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

Stand. Com. Rep. No. 3508 (Gov. Msg. No. 648):

Senator Rhoads moved that Stand. Com. Rep. No. 3508 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate advise and consent to the nomination of DANIEL FREUND to the Board of Registration of the Islands of Kauai and Niihau, term to expire June 30, 2023, seconded by Senator Keohokalole.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

Stand. Com. Rep. No. 3509 (Gov. Msg. Nos. 677 and 678):

Senator Rhoads moved that Stand. Com. Rep. No. 3509 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the Defender Council of the following:

CRAIG DE COSTA, term to expire June 30, 2023 (Gov. Msg. No. 677); and

CRYSTAL GAIL GLENDON, term to expire June 30, 2022 (Gov. Msg. No. 678),

seconded by Senator Keohokalole.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

Stand. Com. Rep. No. 3510 (Gov. Msg. Nos. 749 and 750):

Senator Rhoads moved that Stand. Com. Rep. No. 3510 be received and placed on file, seconded by Senator Keohokalole and carried.

Senator Rhoads then moved that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

JOAN LEWIS, term to expire June 30, 2024 (Gov. Msg. No. 749); and

LIANN EBESUGAWA, term to expire June 30, 2024 (Gov. Msg. No. 750),

seconded by Senator Keohokalole.

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

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

ADOPTION OF A RESOLUTION

MATTER DEFERRED FROM FRIDAY, MAY 15, 2020

S.R. No. 198:

By unanimous consent, action on S.R. No. 198, entitled: "SENATE RESOLUTION ESTABLISHING THE SENATE SPECIAL COMMITTEE ON COVID-19 AS AN INVESTIGATING COMMITTEE," was deferred until Thursday, May 21, 2020.

THIRD READING

H.B. No. 117, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, H.B. No. 117, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

H.B. No. 2725, H.D. 1, S.D. 1:

Senator Dela Cruz moved that H.B. No. 2725, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

Senator Keith-Agaran rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Mr. President. I rise in support of the capital improvement projects budget and I urge all my colleagues to vote in favor of this Senate draft.

"Let me thank my counterpart in the State House of Representatives, Kyle Yamashita, who led them in discussions with your Ways and Means committee regarding the bill.

"This measure authorizes over \$5 billion dollars in public works and infrastructure spending that will help provide a solid transition towards our economic stability while the rest of Hawai'i's businesses and industries slowly recover from the shutdown. The measure includes over \$2 billion in projects funded through general obligation bonds with a mixture of shovel-ready and projects in various stages of development.

"This bill addresses one of the priority areas identified by the Legislature and the executive when this session started: having the state invest in infrastructure that advances the ability of both government and the private sector to address our housing shortage. While we have subsidized the development of rental units, we have not provided as much direct support to encourage building for sale units. Instead, developers, to make projects 'pencil out', have had to pursue developments with a mix of homes for low and moderate income residents with units priced way out of the reach of most working families in our state. We are investing \$100 million in West O'ahu infrastructure that will promote not just a broader mix of housing in the region but also allow us to move forward with planned new schools in the area. In addition, we are earmarking \$50 million dollars for housing infrastructure on the neighbor islands with the same goal in mind. We need homes and will continue to need homes that our working families can reasonably and truly afford.

"The bill also includes funding for the following priorities:

"EDUCATION: In the region with the fastest growing population, \$3M for planning and design for new East Kapolei High School, as well as \$26M for Phase III construction for new East Kapolei Middle School and \$6M to increase the utilization of classroom space for Kapolei High School.

“We are also pushing forward gender equity projects throughout the State, including \$19.2M for design and construction for Kauaʻi High School girls locker room and gym as well as \$6.3M for Konawaena High School track and field improvements.

“We were also successful in maintaining significant lump sum funding for both the Department of Education (DOE) and University of Hawaiʻi (UH) for FY21. \$153.2M is provided to the DOE for repair and maintenance, health and safety, and project completion and \$100M is provided to UH for renovations, improvements, and modernizations throughout the State.

“NATURAL RESOURCES: This measure also earmarks \$11M for restoration and berm enhancements at Kāʻanapali Beach, \$4M for improvements at Waianapanapa State Park, and an additional \$11.85M for other facilities improvements and restorations at State Parks throughout the islands.

“AIRPORTS: The bill also directs \$571.3M for airport and facilities improvements throughout the State, which includes \$30M for design for extension of the Diamond Head Concourse at Daniel K. Inouye International Airport.

“HIGHWAYS: The bill also provides \$514.3M for Oʻahu highways, \$166.7M for Hawaiʻi highways, \$126M for Maui highways, \$102.8M for Kauaʻi highways, and an additional \$114.6M to address various projects throughout the state.

“PRISONS: This measure includes \$5M for planning of a new community correctional center at Pūlehunui for a long-needed replacement of Maui Community Correctional Center.

“Finally, I would be remiss in not thanking my office manager, Susan Wong; my session staffers James Nelson and Pam Ono; and the two people who assisted in preparing the Senate’s version of the CIP bill: Danielle Evangelista and our CIP Specialist Robert Nishimoto. They spent some long hours on Zoom with me and our counterparts in the House to negotiate a budget that will serve the State well.

“Again, I urge my colleagues to vote in favor of this measure.”

The motion was put by the Chair and carried, H.B. No. 2725, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

H.B. No. 2200, H.D. 1, S.D. 1:

Senator Dela Cruz moved that H.B. No. 2200, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

Senator Dela Cruz rose to speak in support of the measure as follows:

“The Senate position of the supplemental budget for 2020–’21 puts forth a state budget that closes the \$1 billion shortfall, \$600 million less than what the administration reported as needed in fiscal year 2021. House Bill 2200 includes a base budget for the executive branch for fiscal year 2020 and ’21 from Act 5, does not incorporate any of the governor’s supplemental budget requests, reincorporates base budget amounts appropriated in other acts in the budget, reduces all vacant general fund positions, reduces excess fiscal year 2020 general fund appropriations as identified by the executive departments. This position maintains core state programs and services to ensure stability and continuity for our communities, and it reduces the state’s positions and funds that have remained

vacant for an extended period of time. It’s the responsible thing to do in this current pandemic, and I ask the members for their support.”

The motion was put by the Chair and carried, H.B. No. 2200, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUDGET,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

H.B. No. 1631, S.D. 1:

By unanimous consent, action on H.B. No. 1631, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE BONDS,” was deferred until Tuesday, May 19, 2020.

Senator Kahele moved that the Senate adjourn until 11:30 a.m. on Tuesday, May 19, 2020.

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 a.m.

The Chair then called for a motion to reconsider the deferral of H.B. No. 1631, S.D. 1.

RECONSIDERATION OF ACTIONS TAKEN AND THIRD READING

H.B. No. 1631, S.D. 1:

Senator Dela Cruz moved that the Senate reconsider its previous action taken on May 18, 2020, in deferring action on H.B. No. 1631, S.D. 1 until Tuesday, May 19, 2020, seconded by Senator Keith-Agaran and carried.

Senator Dela Cruz moved that H.B. No. 1631, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

Senator Dela Cruz rose and stated:

“So I just wanted to explain for the members what happened. The attorney general did have some concerns about the debt bond ceiling, which is why they suggested deferring, initially, House Bill 1631. Instead, what we’re deciding to do is have the governor send down a governor’s message explaining that we have to go above the debt ceiling so that we can go ahead and pass these two measures now.”

The motion was put by the Chair and carried, H.B. No. 1631, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Harimoto, Thielen).

At this time, the Chair noted the presence of Senator Thielen, who had just joined via videoconference.

Senator Thielen remarked:

“Thank you, Senate President. I was not able to get on to the broadcast until just now. The original link that I had was not recognizing this as a valid meeting, so I would like to ask to be able to register a vote on House Bill No. 2200, House Draft 1, Senate Draft 1, Relating to the State Budget. May I do so?”

The Chair replied:

“I don’t believe we can have you registered, but you can submit your comments to us and we will attach it, and I apologize you weren’t able to get in sooner.”

Senator Thielen continued:

“Thank you. Yes, I had put the caucus chair on notice last night that I needed to participate remotely today. I did not receive a link to this meeting until the caucus, when one of the other senators sent me a link and that was the link that was not working. So, I’ve just been able to come in now; I just want to put that in the record. I will be putting some notes on the record on the budget bill that passed, but I would ask, you know, with the rules because we’re supposed to be allowed to participate and everybody was on notice that I needed to participate remotely, that we’re able to resolve the technical problems before proceeding with the votes in the future.”

The Chair so noted.

At 11:56 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 a.m.

H.B. No. 2200, H.D. 1, S.D. 1:

Senator Ihara moved that the Senate reconsider its previous action taken on May 18, 2020, in passing H.B. No. 2200, H.D. 1, S.D. 1 on Third Reading, seconded by Senator Kaehele and carried.

Senator Dela Cruz moved that H.B. No. 2200, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

Senator Thielen spoke in opposition to the measure as follows:

“Thank you. I will reserve my remarks on the bill, if I may, until when we receive Senate Bill 75 from the House, and I believe we will be voting on an agree motion. But because my concerns are really to both bills combined, I will spare the members from having to listen to them twice and, if I may, I will be in attendance personally, and so, if I may insert the remarks I make on our vote on Senate Bill 75 in the Journal for this House Bill 2200, I would appreciate it.”

The Chair having so ordered, Senator Thielen’s remarks, as delivered on the Fortieth Day, Tuesday, May 19, 2020, read as follows:

“Thank you, Mr. President. I rise in opposition to Senate Bill No. 75 and then also Senate Bill No. 3139. The reasons I have are the same ... Mr. President, I had also voted ‘no’ on the budget bill yesterday, 2200, and just to save time for everybody here, I’m asking that my remarks now be placed in the Journal as my remarks on House Bill 2200 yesterday, the two bills that we are moving to agree to the amendments on today, and then on Thursday, when we make a final vote on those bills, so I only have to say this one time. [The Chair so ordered.] Thank you.

“This is my eighth year here, and every year, I’ve voted in support of the budget. I haven’t done it ‘with reservations,’ even though I haven’t agreed to a hundred percent of the budget, because I know every budget—like every bill, but especially every budget—reflects a compromise. Sometimes, some people get what they want; sometimes, they don’t. Usually everybody gets a little bit less than what they want.

“The reason I have a problem this year is that there are huge groups of Hawai’i residents that are getting nothing despite an unprecedented emergency and economic crisis that our state is facing, and I cannot in good conscience support this choice. I don’t think my words today are going to change anybody’s mind on their votes on the bills in front of you, but I want to walk through why I have the reasons for voting against this and why I think we should be doing something different, because we will be recessing and coming back in June and making a

decision then about what to do with the approximately \$1.8 billion that we’re putting into the rainy day fund.

“There is a sense of urgency that I feel is lacking, both in the executive and in this legislature, about what our population is facing. According to unemployment statistics in DBEDT, nearly a quarter of a million Hawai’i residents have filed for unemployment. This has happened in just less than two months. We went from under 3 percent unemployment—we’re waiting for the figures now—but somewhere between 25 to maybe close to 40 percent unemployment in a two-month period. Twelve thousand people filed for unemployment last week. We have been among the worst, if not the worst, state in the nation at getting unemployed people their entitled unemployment benefits. Forty-four states began making the federal \$600 plus-up payments that were in addition to the regular state unemployment before we did. Thirty-five states began making the PUA federal payments to self-employed, independent contractor, gig workers, and other people who were not eligible for regular unemployment beginning back in April. One state even began in March. We have yet to make a single payment—today is May 19th. Between 100,000 to 130,000 Hawai’i residents still have not had their application approved. Either they’re stuck in the regular unemployment system or they’ve finally been rejected from that system and they’ve been allowed to apply for PUA, which has just begun starting to process applications. Most of these workers are low-wage service-level workers in our tourism industry and in our restaurant industry. This is the perfect storm. It’s the highest cost-of-living state, it’s workers with the lowest wages and the least amount of savings, and it’s the state that’s among the slowest to deliver employment payments to them. Even today, I got an email this morning from a woman who filed her application for unemployment 10 weeks ago and has yet to see anything—two and a half months. Many of these people also lost their health insurance. And it’s not just the people who filed for unemployment: It’s their spouses, it’s their kids, it’s their parents. It’s nearly half a million people or more in Hawai’i that have been economically hit by this.

“Their employers have been hit, too—hard. University of Hawai’i partnered up with the Chamber of Commerce and a number of other business associations, and they surveyed 623 businesses across the state: 24 percent of those businesses surveyed said they will not survive without additional assistance. Even those who were fortunate enough to get the federal PPP loan, 75 percent of that has to go toward payroll. They have rent, they have utilities, they have to struggle with figuring out how do they reinvent their business to act when they are allowed to open up in an era where they cannot do business as usual and they have to have social distancing and measures in place to protect their employees as well as their customers. They need help with these expenses. Every business that shuts down is one less that we’re going to have to help us with an economic recovery.

“So, when there’s a sudden economic collapse—and this is more sudden than we’ve had in a long time, and it’s also unusual and, unlike the Great Depression, it’s due to this virus that’s come in—but when you have a sudden economic collapse, and we’ve had them before (2009, other periods), all of the experts say government needs to increase its spending. And the studies after the 2009 collapse show that the governments that did increase their spending in a way that got the best returns on those investments had shorter downturns and less debts and faster recovery. The biggest bang for the buck: spending on newly unemployed and lower-income—programs that help them. The last three chairpeople of the Federal Reserve have said the important thing is to prevent businesses and individuals from going bankrupt, keeping people housed, keeping local businesses open or alive.

“We received nearly a billion dollars in federal CARES Act money, either CARES relief or those recent CARES 3.5. Part of what we were doing this session and in some of these bills in front of us is to assert our legislative authority over appropriations over these fundings. It’s to move them out of the governor’s control and into the rainy day fund, to say that the Legislature can make better decisions.

“I’d like to point out what some of the other states are doing because I contacted NCSL and looked online. They’re realizing that they need to get money out to their local businesses and to the families and individuals who are hurting in order to keep them afloat because it’s those people that are going to help them get out of the economic problems that they’re in, and by helping keep them afloat, it’ll reduce the amount of support that they’re going to have to provide in the future:

- Montana: \$133 million in emergency grants for small businesses to adapt, for senior care homes to keep kūpuna connected, for emergency housing and food and childcare so people can go back to work;
- New Hampshire: \$490 million for small business relief, early child care, family support, food bank, nonprofits for social services;
- Ohio: \$174 million to expand who is eligible for food stamps because they don’t want to have that strict income requirement when they know so many people are struggling with severely reduced household incomes, and expanding food banks and school food programs;
- Vermont: \$300 million for economic relief for local businesses;
- North Carolina: \$125 million for small-business loan program, operated by two NGOs (they’re not trying to retain control—they’re trying to help);
- Alaska: \$290 million for small-business relief grants.

“We called ourselves back into session because we wanted to assert control. We gave out small amounts of money to the neighbor-island counties, which I think we needed to do for their CARES Act relief so they could start the programs that City and County of Honolulu was able to do because it got its appropriation directly. And we put in a small amount of money to shore up some of our state operations to respond to COVID, which, again, we should do. But out of two billion-plus dollars, we chose to put about \$1.8 billion into the rainy day fund, to recess later this week, and to take three weeks (maybe more) to decide what to do. The reason that was given by the House Finance chair for putting this amount of money in the rainy day fund, I’m a little perplexed about.

“One of the reasons was our unemployment fund is running out of money. Well, we knew that. We’ve known that for some time. The director of the Department of Labor over two months ago notified us about that, and had applied to the U.S. Treasury for a no-interest line of credit, and in the Ways and Means memo to the members of the Senate dated May 15, 2020, we’ve been notified that we’ve been approved for \$1.3 billion in a line of credit from the unemployment trust fund. According to the Congressional Research Service, we can have up to 34 months with no interest to pay back that line of credit to the unemployment trust fund, but we can’t tap into that line of credit until our unemployment state funds go down to zero. So if we use some of this CARES Relief Act money to put it into the unemployment fund, that’s the longer we’re going to have to wait to tap into this zero-interest line of credit, and unlike the municipal liquidity bond funds, if it takes us longer than 34 months to pay back this credit, we have longer. There’s just a very, very small interest rate that’s added on top of that, and many states have tapped into this fund back in 2009 and took

many years to pay it back. We’re passing another bill that’s encouraging the governor to take out loans under the municipal liquidity fund, so we are encouraging the state to take advantage of programs that offer zero-interest money. I do not understand why we would say we cannot give out any of these CARES Relief Act funds to our residents or our small businesses because our unemployment money is going to run out. It’s not going to run out. The federal government, again, according to Congressional Research Service, cannot let the states’ unemployment funds run out because it is an entitlement with money that was paid for by the businesses. They will back us up just like they will back every other state up that has record unemployment, and if we’re looking for the hope of whether we have a Republican or Democratic administration after the next election, Republicans are more likely to bail out businesses and to help states that are struggling with repayments to the unemployment trust fund than just about any other program.

“I don’t find the reasons given to be compelling, to say that we can do nothing for our citizens and our small businesses that are struggling now, particularly because we had come up with this plan apparently before we called ourselves back into session. And after we called ourselves back into session, we found that we received an extra \$50 million from the federal CARES 3.5. We could have taken some of that \$50 million to provide emergency grants. We have nonprofit partners out there that had people on the ground on every island that can screen applicants to make sure that we were getting money to the people who are still waiting on their unemployment application or still waiting for PUA to make some type of decision and issue any money; to small businesses that were turned down for the PPP, that are on the list of businesses that can open up but they need to make the adaptations in order to keep their customers and their employees safe. There was no reason why we couldn’t act like so many of these other states to take some of this federal money to help people who are in serious pain now, and it would’ve been the smart thing to do as well, because it would reduce the amount of time that we’re going to be in this economic pit.

“I want to share one more story before closing. Our youngest daughter—my husband and I, we started doing this tradition about 10 years ago. On Friday mornings, just as a treat, we would go to Like Like Drive Inn for breakfast before we dropped her off at school. And I don’t know how many of you have gone there, but it’s one of the great Hawai’i diners, and it’s one of those great Hawai’i restaurants where all the waitresses are women of a certain age—you know, fifties up to their seventies—and they get to know you really quickly. And even after our daughter graduated from high school, my husband and I would go there every few months just for old times’ sake, and they’d always say, ‘Oh, how’s Emma? How’s she doing?’ They’d always welcome you; they were always friendly. In 2009, after the crash hit, one of our favorite waitresses told us that that was her last day. She had all the lei on; I was asking if it was her birthday, and she said, ‘No, just, we’re having to cut back, and, you know, some of the girls here can’t afford cutback hours, and I can afford to retire, so I’m gonna retire because I want to make sure that they can take care of their families.’ Like Like Drive Inn announced a little while ago it’s closed; it’s not surviving COVID. I think about all those women and the busboys and the line cooks, everybody there: how many of them are waiting still on their unemployment checks? That business is not going to be able to open up. We talked earlier about how we had to do job creation and business development. In this crisis, we have to make sure more businesses don’t close their doors like Like Like and never reopen.

“I am ashamed that we did nothing with the money that we had. At the end of the day, I was just asking, out of that extra \$50 million, could we just take \$30 million, give it out to partners like the Hawai’i Community Foundation, have them do

the reporting, come back to us when we reconvene in June; if all the money wasn't spent, we pull it back. But even that was turned down. Again, I don't expect that I'm going to be changing anybody's vote here today, but I'm speaking up about this because we can't come back here in June and have a repeat of this. In the three weeks it's going to take us to come back (or more), we're already going to see more people going into bankruptcies, more businesses closing their doors. The small amounts that we gave to the neighbor islands are not going to be enough for our state to recover. Even the middle-size amount that the City and County of Honolulu has and already has started to get out the door is not going to be enough for our state to recover. We need to take some of that \$1.7 billion and get it out to the people and the businesses because we rely on them, and they rely on us for their hope, and if we don't give them hope and some ability to recover, then we're not going to be able to help anybody a year from now. Thank you."

The motion was put by the Chair and carried, H.B. No. 2200, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Thielen). Excused, 1 (Harimoto).

ADJOURNMENT

At 12:00 p.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Tuesday, May 19, 2020.