

## FORTY-THIRD DAY

**Tuesday, June 23, 2020**

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:34 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Forty-Second Day.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 5 and 809 to 845) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 5, letter dated June 19, 2020, declaring an emergency condition due to the COVID-19 pandemic, and requesting the Legislature concur to exceeding the debt limit by a two-thirds vote, was placed on file.

Gov. Msg. No. 809, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of JERALD KEAULANA, term to expire June 30, 2023, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 810, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of JAMIE WHITTLE-WAGNER, term to expire June 30, 2023, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 811, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nomination of JESSIE SILVA-DUCARROY, term to expire June 30, 2023, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 812, submitting for consideration and confirmation to the Stadium Authority, the nomination of KAU'I BURGESS, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 813, submitting for consideration and confirmation to the Stadium Authority, the nomination of ERIC FUJIMOTO, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 814, submitting for consideration and confirmation to the Stadium Authority, the nomination of JOHN FINK, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 815, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of JON-PAUL BINGHAM, term to expire June 30, 2023, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 816, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nomination of TAMMY MURRAY, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 817, submitting for consideration and confirmation to the Board of Agriculture, the nomination of

VINCENT MINA, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 818, submitting for consideration and confirmation to the Defender Council, the nomination of STANTON OSHIRO, term to expire June 30, 2023, was referred to the Committee on Judiciary.

Gov. Msg. No. 819, submitting for consideration and confirmation to the Defender Council, the nomination of SETSUKO GORMLEY, term to expire June 30, 2023, was referred to the Committee on Judiciary.

Gov. Msg. No. 820, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nomination of MICHAEL LILLY, term to expire June 30, 2024, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 821, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nomination of MARY HERTOG, term to expire June 30, 2023, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 822, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nomination of REYN KAUPIKO, term to expire June 30, 2024, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 823, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of CHAD HASEGAWA, term to expire June 30, 2021, was referred to the Committee on Human Services.

Gov. Msg. No. 824, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of ALLEN CARDINES, JR., term to expire June 30, 2021, was referred to the Committee on Human Services.

Gov. Msg. No. 825, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nomination of KEVAN WONG, term to expire June 30, 2021, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 826, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of GERALD OHTA, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 827, submitting for consideration and confirmation to the Environmental Council, the nomination of ROY ABE, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 828, submitting for consideration and confirmation to the Environmental Council, the nomination of IAN KAYE, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 829, submitting for consideration and confirmation to the Environmental Council, the nomination of MICHAEL TULANG, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 830, submitting for consideration and confirmation to the Environmental Council, the nomination of PUANANIONAONA THOENE, term to expire June 30, 2024, was referred to the Committee on Agriculture and Environment.

Gov. Msg. No. 831, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of LORI OKUDA, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 832, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of JOSEPH BURKE, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 833, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of LEONARD LICINA, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 834, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of ORIANNA SKOMOROCH, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 835, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of MALIA TALLETT, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 836, submitting for consideration and confirmation to the Kāneʻohe Bay Regional Council, the nomination of JEFFREY KALUHIWA, term to expire June 30, 2024, was referred to the Committee on Water and Land.

Gov. Msg. No. 837, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of JAY PENNIMAN, term to expire June 30, 2024, was referred to the Committee on Water and Land.

Gov. Msg. No. 838, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of ARTI CLARK, term to expire June 30, 2024, was referred to the Committee on Water and Land.

Gov. Msg. No. 839, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nomination of DONALD DRAKE, term to expire June 30, 2024, was referred to the Committee on Water and Land.

Gov. Msg. No. 840, submitting for consideration and confirmation to the Tax Review Commission, the nomination of MICHELLE NALANI KAINA was referred to the Committee on Ways and Means.

Gov. Msg. No. 841, submitting for consideration and confirmation to the Center for Nursing Advisory Board, the nomination of DOREEN NAKAMURA, term to expire June 30, 2022, was referred to the Committee on Higher Education.

Gov. Msg. No. 842, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of NADINE NISHIOKA, term to expire June 30, 2021, was referred to the Committee on Higher Education.

Gov. Msg. No. 843, submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, the nomination of PERRY ARRASMITH, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 844, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of ERNEST WILSON, term to expire

June 30, 2025, was referred to the Committee on Higher Education.

Gov. Msg. No. 845, submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, the nomination of KELII ACOPAN, term to expire June 30, 2022, was referred to the Committee on Higher Education.

#### STANDING COMMITTEE REPORTS

Senators Shimabukuro and Kahele, for the Committee on Hawaiian Affairs and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 3653) recommending that H.B. No. 2208 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 H.B. No. 2208, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," 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. 3654) recommending that H.B. No. 2015, 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. 2015, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ruderman and Rhoads, for the Committee on Human Services and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3655) recommending that H.B. No. 2037, H.D. 2, 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 H.B. No. 2037, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, PLUS COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ruderman and Thielen, for the Committee on Human Services and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 3656) recommending that H.B. No. 2466, H.D. 2, 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 H.B. No. 2466, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL DISTRICT BUILDINGS," 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. 3657) recommending that S.C.R. No. 57 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.C.R. No. 57, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO PROVIDE NATIVE HAWAIIANS WITH THEIR FAIR SHARE OF THE PUBLIC LAND TRUST REVENUE," was referred to the Committee on Ways and Means.

Senators Shimabukuro and Kahele, for the Committee on Hawaiian Affairs and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 3658) recommending that S.C.R. No. 60, as amended in S.D. 1, 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 joint report of the Committees was adopted and S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAIIAN HOME LANDS TRUST BENEFICIARIES BY AFFIRMING THEIR RIGHT TO REQUIRE THE DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF LAND AND NATURAL RESOURCES, AND DEPARTMENT OF TRANSPORTATION TO COME TO A RESOLUTION AND FAIR COMPENSATION FOR PAST, PRESENT, AND FUTURE USE OF THE LAND BENEATH THE MAUNA KEA ACCESS ROAD AND OTHER DEPARTMENT OF HAWAIIAN HOME LANDS PARCELS IN THE SURROUNDING AREA," was referred to the Committee on Judiciary and the Committee on Ways and Means.

#### ORDER OF THE DAY

#### MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 1102) was read by the Clerk and was placed on file:

Gov. Msg. No. 1102, dated June 23, 2020, transmitting the Governor's statement of objections to House Bill No. 1631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which was returned without approval and reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
June 22<sup>nd</sup>, 2020

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1631

Honorable Members  
Thirtieth Legislature  
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 1631, entitled "A Bill for an Act Relating to State Bonds."

The purpose of this bill is to authorize the issuance of general obligation bonds by the State. In addition, this bill authorizes the borrowing of moneys from the Municipal Liquidity Facility under section 13(3) of the Federal Reserve Act, 12 U.S.C. § 343(3). Further, this bill declares the Legislature's findings with respect to these bond authorizations as required by Article VII, Section 13 of the Constitution of the State of Hawai'i.

This bill is objectionable because, due to revisions in the State's bond issuance plan, the State plans to issue an additional \$100,000,000 in general obligation bonds in the second half of fiscal year 2022-2023. This bill needs to be vetoed so that the Legislature can consider this additional bond authorization.

For the foregoing reason, I am returning House Bill No. 1631 without my approval.

Respectfully,  
/s/ David Y. Ige  
DAVID Y. IGE  
Governor of Hawai'i"

At this time, Senator Inouye, Chair of the Committee on Transportation, requested a waiver of the notice requirement

pursuant to Senate Rule 21 for H.B. No. 2475, H.D. 1, Proposed S.D. 1.

Senator Inouye noted:

"Mr. President, due to the emerging financial situation with Young Brothers, it is imperative that we hear this bill in the Transportation committee and move it to Ways and Means. The proposed Senate draft authorizes the PUC to address any situation where the condition of a regulated water carrier of cargo may result in the disruption, reduction, or cessation of essential services, and also amends the basis upon which the commission may issue a certificate of public convenience and necessity to an applicant seeking authority to serve as a regulated water carrier."

The Chair granted the waiver.

Senator Inouye announced that the Committee on Transportation would be holding a public hearing on H.B. No. 2475, H.D. 1, Proposed S.D. 1 the following day at 1:40 p.m. in Conference Room 225.

Senator Baker, Chair of the Committee on Commerce, Consumer Protection, and Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 2502, H.D. 1, Proposed S.D. 1.

Senator Baker noted:

"We received a copy of a proposed Senate draft drafted by the attorney general. Although the chair has some concerns about it, I think it addresses important topics that COVID has created, and request that we hear this measure to give it due consideration."

The Chair granted the waiver.

Senator Baker announced that the Committee on Commerce, Consumer Protection, and Health would be holding a public hearing on H.B. No. 2502, H.D. 1, Proposed S.D. 1 on Thursday, June 25, 2020, at 9:30 a.m. in Conference Room 229.

Senator Kim rose to seek clarification that Gov. Msg. No. 1102, returning H.B. No. 1631, S.D. 1 without the Governor's approval, was a veto, and the Chair responded in the affirmative.

Senator Kahele rose to extend happy birthday wishes to Senator Inouye, wishing her hau'oli lā hānau.

The Chair then announced that there would be a Senate leadership meeting in his office immediately following adjournment.

#### ADJOURNMENT

At 11:41 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, June 24, 2020.