

## FORTY-FOURTH DAY

Wednesday, June 24, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:46 a.m. with the President in the Chair.

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

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 6 and 846 to 855) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 6, letter dated May 19, 2020, transmitting a proposed draft amending H.B. No. 2305, H.D. 1, S.D. 1 to fund the agreement concerning Collective Bargaining Unit 7, was placed on file.

Gov. Msg. No. 846, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of ANTHONY MENDEZ, term to expire June 30, 2023, was referred to the Committee on Human Services.

Gov. Msg. No. 847, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of RICKY KANG, term to expire June 30, 2023, was referred to the Committee on Human Services.

Gov. Msg. No. 848, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of DAVID LUNCEFORD, term to expire June 30, 2024, was referred to the Committee on Human Services.

Gov. Msg. No. 849, submitting for consideration and confirmation to the Correctional Industries Advisory Committee, the nomination of LEE SHINSATO, term to expire June 30, 2022, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 850, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, the nomination of RENEE RIVERA, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 851, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of CHARLEEN CROZIER, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 852, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of DEBORAH KOBAYAKAWA, term to expire June 30, 2023, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 853, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of RENEE MANFREDI, term to expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 854, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of ROBERT WHITAKER, term to

expire June 30, 2024, was referred to the Committee on Commerce, Consumer Protection, and Health.

Gov. Msg. No. 855, letter dated June 23, 2020, correcting the name of the nominee under Gov. Msg. No. 845 (name amended to KELLI ACOPAN), was placed on file.

## HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 367) was read by the Clerk and was placed on file:

Hse. Com. No. 367, returning S.C.R. No. 245, which was adopted by the House of Representatives on June 23, 2020.

## CONFERENCE COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 126, S.D. 1, presented a report (Conf. Com. Rep. No. 1-20) recommending that S.B. No. 126, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 1-20 and S.B. No. 126, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 785, S.D. 1, presented a report (Conf. Com. Rep. No. 2-20) recommending that S.B. No. 785, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 2-20 and S.B. No. 785, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 3659) recommending that H.B. No. 2562, H.D. 2, 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. 2562, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMON INTEREST COMMUNITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 3660) recommending that H.B. No. 1620, H.D. 2, 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. 1620, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF JUSTICE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 3661) recommending that H.B. No. 1844, 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. 1844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY FINANCING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Wakai and Thielen, for the Committee on Energy, Economic Development, and Tourism and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 3662) recommending that H.B. No. 1846, 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. 1846, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Wakai and Thielen, for the Committee on Energy, Economic Development, and Tourism and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 3663) recommending that H.B. No. 2498, 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 joint report of the Committees was adopted and H.B. No. 2498, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3664) recommending that H.B. No. 1529, H.D. 2, 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. 1529, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT JOURNALISTS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3665) recommending that H.B. No. 2500, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and H.B. No. 2500, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Friday, June 26, 2020.

**ORDER OF THE DAY**  
**ADOPTION OF RESOLUTIONS**  
**MATTERS DEFERRED FROM**  
**MONDAY, MAY 11, 2020**

Stand. Com. Rep. No. 3430 (S.C.R. No. 38, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE LIEUTENANT GOVERNOR TO ESTABLISH A MULTI-STAKEHOLDER TASK FORCE TO ADVANCE STATE

PROCUREMENT OF LOCALLY PRODUCED FOOD," was adopted.

Stand. Com. Rep. No. 3431 (S.C.R. No. 17, S.D. 1):

Senator Kahele moved that Stand. Com. Rep. No. 3431 and S.C.R. No. 17, S.D. 1 be adopted, seconded by Senator Fevella.

Senator Fevella rose to request that remarks in opposition to the measure be entered into the Journal, and the Chair so ordered.

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

"I oppose both this S.C.R. 17 and S.R. 18, which has similar wording. Both Resolutions advocate the very small symbolic gesture of requiring State functions not to use single-use plastic utensils. Such a gesture will have little impact. Instead, attention should be paid to much more major methods of stopping the use of carbon-based plastics."

The Chair having so ordered (on the Forty-Seventh Day, June 29, 2020), Senator Nishihara's remarks read as follows:

"Colleagues, I rise to note my reservations against S.C.R. 17, S.D. 1 and S.R. 18, S.D. 1, which urge the state to ban single-use plastic goods and plastic bags and eliminating single-use plastic tableware at state-department meetings and functions. At this time where we are confronted with our safety and maintaining good hygiene practices, the elimination of non-reusable plastic goods and tableware at this time seems counterproductive. The optics of a resolution to preserve our environment is notable and probably laudable, but it avoids the reality of what is violated daily. Mahalo"

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE TO BAN SINGLE-USE PLASTIC GOODS AND PLASTIC BAGS AND TO SET A SUSTAINABILITY EXAMPLE BY ELIMINATING THE USE OF SINGLE-USE PLASTIC TABLEWARE AT STATE DEPARTMENT MEETINGS AND FUNCTIONS," was adopted, with Senator Nishihara voting "Aye with Reservations" and Senator Fevella voting "No."

Stand. Com. Rep. No. 3432 (S.R. No. 18, S.D. 1):

Senator Kahele moved that Stand. Com. Rep. No. 3432 and S.R. No. 18, S.D. 1 be adopted, seconded by Senator Fevella.

Senator Fevella rose to request that remarks in opposition to the measure be entered into the Journal, and the Chair so ordered.

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

"As I have just stated with regard to the companion Senate Concurrent Resolution 17, I stand in opposition to both this Senate Resolution 18 and Senate Concurrent Resolution 17 because both Resolutions involve the token gesture of banning single-use plastics, such as utensils, from State functions. This token gesture is just a drop in the bucket, compared to the many, many other concrete steps that are being taken to stop the use of carbon-based plastics."

The Chair having so ordered (on the Forty-Seventh Day, June 29, 2020), Senator Nishihara's remarks read as follows:

"Colleagues, I rise to note my reservations against S.C.R. 17, S.D. 1 and S.R. 18, S.D. 1, which urge the state to ban single-use plastic goods and plastic bags and eliminating single-use plastic tableware at state-department meetings and functions. At this time where we are confronted with our safety and

maintaining good hygiene practices, the elimination of non-reusable plastic goods and tableware at this time seems counterproductive. The optics of a resolution to preserve our environment is notable and probably laudable, but it avoids the reality of what is violated daily. Mahalo”

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.R. No. 18, S.D. 1, entitled: “SENATE RESOLUTION URGING THE STATE TO BAN SINGLE-USE PLASTIC GOODS AND PLASTIC BAGS AND TO SET A SUSTAINABILITY EXAMPLE BY ELIMINATING THE USE OF SINGLE-USE PLASTIC TABLEWARE AT STATE DEPARTMENT MEETINGS AND FUNCTIONS,” was adopted, with Senator Nishihara voting “Aye with Reservations” and Senator Fevella voting “No.”

### THIRD READING

#### MATTERS DEFERRED FROM MONDAY, MAY 11, 2020

H.B. No. 2294, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2294, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC,” was deferred until Friday, June 26, 2020.

H.B. No. 2302, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2302, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

H.B. No. 2303, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2303, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

H.B. No. 2305, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2305, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

H.B. No. 2306, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2306, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

H.B. No. 2307, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2307, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

H.B. No. 2308, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2308, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

H.B. No. 2309, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2309, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT COST ITEMS,” was recommitted to the Committee on Labor, Culture and the Arts and the Committee on Ways and Means.

### ADJOURNMENT

At 11:52 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Thursday, June 25, 2020.