

FORTY-NINTH DAY

Wednesday, July 1, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:31 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Ruderman, and Shimabukuro present and participating via videoconference.

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

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 857) was read by the Clerk and was placed on file:

Gov. Msg. No. 857, informing the Senate that on June 29, 2020, the Governor withdrew the nomination of LEONARD LICINA to the Statewide Health Coordinating Council, under Gov. Msg. No. 833, from consideration by the Senate.

In compliance with Gov. Msg. No. 857, the nomination listed under Gov. Msg. No. 833 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 370 and 371) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 370, informing the Senate that on June 30, 2020, the House disagreed to the amendments proposed by the Senate to H.B. No. 2294, H.D. 1 (S.D. 2), was placed on file.

Hse. Com. No. 371, returning S.B. No. 2701, as amended in H.D. 2, which passed Third Reading in the House of Representatives on June 30, 2020, was placed on file.

By unanimous consent, action on S.B. No. 2701 (H.D. 2), entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDINGS," was deferred until Thursday, July 2, 2020.

STANDING COMMITTEE REPORTS

Senators Shimabukuro and Gabbard, for the Committee on Hawaiian Affairs and the Committee on Agriculture and Environment, presented a joint report (Stand. Com. Rep. No. 3730) recommending that S.R. No. 69, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3730 and S.R. No. 69, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONVENE A TASK FORCE WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF AGRICULTURE, INVASIVE SPECIES COUNCIL, AND OTHER INTERESTED PARTIES TO DEVELOP A COMPREHENSIVE MITIGATION PLAN WITH SHORT AND LONG TERM SOLUTIONS TO ADDRESS THE SPREAD OF AND ERADICATE GORSE ON HAWAII ISLAND," was deferred until Thursday, July 2, 2020.

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 3731) recommending that H.B. No. 1854, H.D. 1, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3731 and H.B. No. 1854, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTLE FIRE ANTS," was deferred until Thursday, July 2, 2020.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3732) recommending that S.C.R. No. 27 be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAALAWAI, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Judiciary.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3733) recommending that S.C.R. No. 28 be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 28, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMANALO, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, SEAWALL, AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was referred to the Committee on Judiciary.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, JUNE 30, 2020

Stand. Com. Rep. No. 3727 (S.C.R. No. 154, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 154, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO SUBMIT REPORTS ON THE REPORTING, INVESTIGATION, AND PROSECUTION OF HATE CRIMES IN THE STATE," was adopted.

Stand. Com. Rep. No. 3728 (S.R. No. 124, S.D. 1):

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.R. No. 124, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION, AND HAWAII COUNTY TO COLLECTIVELY DEVELOP A PLAN TO IMPROVE MEALANI ROAD AND ESTABLISH A PROTOCOL TO USE MEALANI ROAD AS AN EMERGENCY BYPASS ROUTE WHEN MAMALAHOA HIGHWAY IS INACCESSIBLE," was adopted.

THIRD READING

H.B. No. 2610, H.D. 2, S.D. 1:

Senator Rhoads moved that H.B. No. 2610, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

Senator Rhoads then offered the following amendment (Floor Amendment No. 9) to H.B. No. 2610, H.D. 2, S.D. 1:

SECTION 1. House Bill No. 2610, H.D. 2, S.D. 1, is amended by amending the effective date from July 1, 2050, to

upon approval in section 5 and to read as follows:

“SECTION 5. This Act shall take effect upon its approval.”

Senator Rhoads moved that Floor Amendment No. 9 be adopted, seconded by Senator Keohokalole.

Senator Rhoads rose to speak in support of the amendment as follows:

“This is another one that passed out before COVID and it has a defective date, so the floor amendment will be just to make it effective upon approval.”

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

By unanimous consent, H.B. No. 2610, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,” was placed on the calendar for Third Reading on Monday, July 6, 2020.

H.B. No. 1698, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Dela Cruz and carried, H.B. No. 1698, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none.

H.B. No. 2304, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2304, 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. 1659, H.D. 3, S.D. 1:

On motion by Senator Baker, seconded by Senator Chang and carried, H.B. No. 1659, H.D. 3, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none.

H.B. No. 1661, H.D. 3, S.D. 1:

Senator Baker moved that H.B. No. 1661, H.D. 3, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Baker then offered the following amendment (Floor Amendment No. 10) to H.B. No. 1661, H.D. 3, S.D. 1:

SECTION 1. House Bill No. 1661, H.D. 3, S.D. 1, is amended by amending the effective date from July 1, 2050, to July 1, 2020, in section 6 and to read as follows:

“SECTION 6. This Act shall take effect on July 1, 2020.”

Senator Baker moved that Floor Amendment No. 10 be adopted, seconded by Senator Nishihara.

Senator Baker rose to speak in support of the amendment as follows:

“This is another one of those bills that was completed prior to our recess back in March and it has a defective date in it, so, since we are not going to conference, we need to make this floor amendment to make the date effective July 1, 2020.”

The motion to adopt Floor Amendment No. 10 was put by the Chair and carried.

By unanimous consent, H.B. No. 1661, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was placed on the calendar for Third Reading on Monday, July 6, 2020.

H.B. No. 2202, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Chang and carried, H.B. No. 2202, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CEMETERIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none.

H.B. No. 2192, H.D. 1, S.D. 1:

On motion by Senator Gabbard, seconded by Senator Nishihara and carried, H.B. No. 2192, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDINGS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none.

Stand. Com. Rep. No. 3722 (H.B. No. 1469, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3722 and H.B. No. 1469, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE COLLEGE SAVINGS PROGRAM,” was deferred until Thursday, July 2, 2020.

Senator Rhoads rose to request a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1673, H.D. 1 due to scheduling difficulties, and the Chair granted the waiver.

Senator Rhoads then announced that the Committee on Judiciary would be holding a public hearing on H.B. No. 1673, H.D. 1 at 12:15 p.m. that afternoon in Conference Room 016.

Senator Dela Cruz rose to request a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1523, H.D. 1, S.D. 1, Proposed S.D. 2.

Senator Dela Cruz noted:

“The COVID pandemic has required public schools to implement distance learning. However, distance learning requires access to devices, and students may not have them at their homes. The proposed S.D. 2 requires DOE to expend a certain amount of appropriated funds during fiscal year '21 solely for devices for schools with identified needs and a student population of 50 percent or greater who receive free or reduced-price lunch. The measure is necessary to ensure equity for Hawai'i's public school students. Due to the condensed legislative calendar, your committee is requesting the waiver to facilitate the passage of this proposed measure.”

The Chair granted the waiver.

Senator Dela Cruz announced that the Committee on Ways and Means would be holding a public hearing on H.B. No. 1523, H.D. 1, S.D. 1, Proposed S.D. 2 the following morning at 10:20 a.m. in the Auditorium.

The Chair then made the following announcement:

“The deadline for filing standing committee reports on House bills for Second Reading is 4:30 p.m. this afternoon.”

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., Thursday, July 2, 2020.