

FIFTY-THIRD DAY

Friday, July 10, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 12:08 p.m. with the President in the Chair.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 868) was read by the Clerk and was placed on file:

Gov. Msg. No. 868, informing the Senate that on July 9, 2020, the Governor appointed Ms. Bennette Misalucha to serve as the Senator from the Sixteenth Senate District for the Thirtieth Legislature of the State of Hawai'i, to fill the Senate vacancy for Senate District 16 immediately, for the term to expire November 3, 2020.

At this time, the Chair appointed Senators English, Keith-Agaran, and Fevella to escort the Honorable Bennette Misalucha to the rostrum.

The Chair then called upon the Honorable Mark E. Recktenwald, Chief Justice of the Supreme Court, State of Hawai'i, to administer the oath of office to the newly appointed member of the Senate.

At the rostrum, Chief Justice Recktenwald administered the oath of office to the newly appointed member of the Senate, the Honorable Bennette Misalucha.

The Chair then presented to the members Senator Bennette Misalucha of the Sixteenth Senatorial District.

The Chair continued:

"In conjunction with our 55 years of Statehood anniversary in 2014, we presented a very special lapel pin to current and past senators. This pin is a symbol of your service in the Senate and to the people of the State of Hawai'i. We owe a debt of gratitude to President Emeritus Kim, who had it designed and made. Under Senate Rule 92, the Senate pin shall only be worn by current or past members. Welcome to the Senate."

At this time, the Chair presented Senator Misalucha with the Senate pin.

The Sergeant-at-Arms then escorted Senator Misalucha to her seat.

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

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

At this time, Senator Misalucha introduced special guests, who were present in the gallery, noting that their presence was a testament to the intention of continuing the legacy that Senator Harimoto had started in the district: the Honorable Brandon Elefante, councilmember for District 8, City and County of Honolulu, to whom the late senator was a father figure and a mentor throughout his career; and office staffers Robert Sato and Linda Nunes, who had been with the late senator throughout his Senate as well as City Council years and who had been towers of strength during this difficult time. Senator Misalucha expressed gratitude to Robert and Linda for keeping the home fires burning, noting their office's strong commitment to ensuring that the needs of the district would be addressed as promised. Accompanying the guests in the gallery was Councilmember Elefante's nephew Kyler Ventura.

The Chair reiterated that it was the intention of Senator Misalucha to continue to have Robert and Linda in the office through November 3 so that there would be continuity and people who are familiar with the district, and, since it was important to her to carry out the vision of the late Senator Harimoto, continuing with these two staff members would be the best way to achieve that goal.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 461 to 487) were read by the Clerk and were placed on file:

Dept. Com. No. 461, from the Public Utilities Commission dated April 27, 2020, transmitting the 2019 Hawaii Gas Renewable Energy Report pursuant to Section 269-45, HRS.

Dept. Com. No. 462, from the University of Hawai'i dated April 29, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 463, from the University of Hawai'i dated April 29, 2020, transmitting the Semi-Annual Report on Hawai'i Cancer Research Special Fund from July 1 to December 31, 2019, pursuant to Section 304A-2168, HRS.

Dept. Com. No. 464, from the Office of Enterprise Technology Services dated May 5, 2020, transmitting the Department of Labor and Industrial Relations Disability Compensation Division's Modernization Project – Electronic Case Management System Independent Verification and Validation Report for March 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 465, from the University of Hawai'i dated May 5, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 466, from the Office of the Auditor dated May 7, 2020, transmitting the Report on General Excise Tax Exemptions Suspended in FY2012 – FY2013 (Report No. 20-05) pursuant to Article VII, Section 10, Hawai'i State Constitution.

Dept. Com. No. 467, from the Office of the Auditor dated May 7, 2020, transmitting the Report on Special and Revolving Fund Accounts with Inactive or Excess Balances (Report No. 20-06) pursuant to Article VII, Section 10, Hawai'i State Constitution.

Dept. Com. No. 468, from the Office of the Auditor dated May 7, 2020, transmitting the Report on Potential Available State Moneys Identified in Prior Audit Reports (Report No. 20-07) pursuant to Article VII, Section 10, Hawai'i State Constitution.

Dept. Com. No. 469, from the Office of Enterprise Technology Services dated May 8, 2020, transmitting the Department of Accounting and General Services Time & Leave Project Independent Verification and Validation Monthly Status Report for March 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 470, from the University of Hawai'i dated May 12, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 471, from the Office of Enterprise Technology Services dated May 15, 2020, transmitting the Department of Human Services Systems Modernization Project Independent Verification and Validation Monthly Status Report for April 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 472, from the Office of the Auditor dated May 19, 2020, transmitting the Supplement to Report No. 20-06, Report on Special and Revolving Fund Accounts with Inactive or Excess Balances (Report No. 20-08) pursuant to Article VII, Section 10, Hawai'i State Constitution.

Dept. Com. No. 473, from the University of Hawai'i dated May 19, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 474, from the University of Hawai'i dated May 26, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 475, from the Department of Education dated June 1, 2020, transmitting the Status on the Plan for the Reopening of Schools in Fall 2020 pursuant to S.R. No. 144, S.D. 1 (2020).

Dept. Com. No. 476, from the Office of Enterprise Technology Services dated June 3, 2020, transmitting the Department of Labor and Industrial Relations Disability Compensation Division's Modernization Project – Electronic Case Management System Independent Verification and Validation Report for April 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 477, from the Office of the Auditor dated June 10, 2020, informing the Legislature that the financial and compliance audit of the Department of Health for the fiscal year ended June 30, 2019, was issued on March 25, 2020, pursuant to Chapter 23, HRS.

Dept. Com. No. 478, from the University of Hawai'i dated June 10, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 479, from the Office of the Auditor dated June 17, 2020, informing the Legislature that the financial and compliance audit of the Department of the Attorney General for the fiscal year ended June 30, 2019, was issued on February 21, 2020, pursuant to Chapter 23, HRS.

Dept. Com. No. 480, from the Department of Business, Economic Development, and Tourism dated June 12, 2020, transmitting a report on a position for the Hawaii Technology Development Corporation pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 481, from the Office of Enterprise Technology Services dated June 19, 2020, transmitting the Department of Accounting and General Services Time & Leave Project Independent Verification and Validation Monthly Status Report for April 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 482, from the Office of Enterprise Technology Services dated June 19, 2020, transmitting the Department of Health Hawaii BHA Integrated Case Management System Project Independent Verification and Validation Report for April 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 483, from the Office of Enterprise Technology Services dated June 19, 2020, transmitting the Department of Health Hawaii BHA Integrated Case Management System Project Independent Verification and Validation Report for May 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 484, from the Office of Enterprise Technology Services dated June 19, 2020, transmitting the Department of Human Services Systems Modernization Project Independent Verification and Validation Monthly Status Report for May 2020 pursuant to Section 27-43.6, HRS.

Dept. Com. No. 485, from the University of Hawai'i dated June 23, 2020, transmitting a report on positions pursuant to Act 5, Section 42, SLH 2019.

Dept. Com. No. 486, from the Office of the Auditor dated June 25, 2020, transmitting the Review of General Excise and Use Tax Exemptions and Exclusions (Report No. 20-09) pursuant to Section 23-71 et seq., HRS.

Dept. Com. No. 487, from the Office of the County Clerk, County of Maui, dated March 16, 2020, transmitting Resolution No. 20-22, which was adopted by the Council of the County of Maui on March 13, 2020.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 417 to 421) were read by the Clerk and were placed on file:

Hse. Com. No. 417, informing the Senate that on July 8, 2020, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 460, H.D. 1 (S.D. 1);
 H.B. No. 1651, H.D. 1 (S.D. 1);
 H.B. No. 1701, H.D. 1 (S.D. 2);
 H.B. No. 1846, H.D. 2 (S.D. 2);
 H.B. No. 1912, H.D. 1 (S.D. 1);
 H.B. No. 1928, H.D. 1 (S.D. 2);
 H.B. No. 2035, H.D. 1 (S.D. 2);
 H.B. No. 2061, H.D. 1 (S.D. 2);
 H.B. No. 2253, H.D. 1 (S.D. 2);
 H.B. No. 2292, H.D. 1 (S.D. 2);
 H.B. No. 2317, H.D. 2 (S.D. 2);
 H.B. No. 2323, H.D. 2 (S.D. 2);
 H.B. No. 2420, H.D. 2 (S.D. 2);
 H.B. No. 2457, H.D. 2 (S.D. 2);
 H.B. No. 2486, H.D. 2 (S.D. 2);
 H.B. No. 2502, H.D. 1 (S.D. 2);
 H.B. No. 2527, H.D. 1 (S.D. 1);
 H.B. No. 2565, H.D. 2 (S.D. 2);
 H.B. No. 2573, H.D. 1 (S.D. 1);
 H.B. No. 2610, H.D. 2 (S.D. 2);
 H.B. No. 2709, H.D. 2 (S.D. 1); and
 H.B. No. 2738, H.D. 1 (S.D. 2).

Hse. Com. No. 418, informing the Senate that on July 8, 2020, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1805, H.D. 1 (S.D. 2); and
 H.B. No. 1819, H.D. 2 (S.D. 3).

Hse. Com. No. 419, informing the Senate that on July 8, 2020, the House reconsidered its action taken on July 2, 2020, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1659, H.D. 3 (S.D. 1); and
 H.B. No. 2202, H.D. 1 (S.D. 1).

Hse. Com. No. 420, informing the Senate that on July 8, 2020, the House reconsidered its action taken on July 6, 2020, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1854, H.D. 1 (S.D. 1);
 H.B. No. 2060, H.D. 1 (S.D. 1); and
 H.B. No. 2125, H.D. 2 (S.D. 1).

Hse. Com. No. 421 dated July 8, 2020, informing the Senate of the House's intent to agree to the amendments proposed by the Senate to the following House bills:

H.B. No. 917, H.D. 1 (S.D. 1);
 H.B. No. 1346, H.D. 2 (S.D. 2);
 H.B. No. 1352, H.D. 2 (S.D. 1);
 H.B. No. 1523, H.D. 1 (S.D. 2);
 H.B. No. 1620, H.D. 2 (S.D. 2);
 H.B. No. 1637, H.D. 1 (S.D. 2);
 H.B. No. 1661, H.D. 3 (S.D. 2);
 H.B. No. 1673, H.D. 1 (S.D. 1);
 H.B. No. 1676, H.D. 1 (S.D. 2);
 H.B. No. 1678, H.D. 1 (S.D. 1);
 H.B. No. 1902, H.D. 2 (S.D. 2);
 H.B. No. 1929, H.D. 2 (S.D. 2);
 H.B. No. 1942, H.D. 2 (S.D. 2);
 H.B. No. 1978, H.D. 1 (S.D. 1);
 H.B. No. 2002, H.D. 2 (S.D. 2);
 H.B. No. 2043, H.D. 2 (S.D. 2);
 H.B. No. 2054, H.D. 1 (S.D. 1);
 H.B. No. 2097, H.D. 2 (S.D. 2);
 H.B. No. 2124, H.D. 1 (S.D. 2);
 H.B. No. 2148, H.D. 1 (S.D. 1);
 H.B. No. 2162, H.D. 2 (S.D. 1);
 H.B. No. 2183, H.D. 2 (S.D. 2);
 H.B. No. 2340, H.D. 2 (S.D. 1);
 H.B. No. 2350, H.D. 2 (S.D. 1);
 H.B. No. 2425, H.D. 1 (S.D. 1);
 H.B. No. 2543, H.D. 1 (S.D. 2);
 H.B. No. 2590, H.D. 2 (S.D. 2); and
 H.B. No. 2750, H.D. 2 (S.D. 2).

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM WEDNESDAY, JULY 8, 2020

S.B. No. 2206, S.D. 2 (H.D. 2):

Senator Chang moved that the Senate agree to the amendments proposed by the House to S.B. No. 2206, S.D. 2, seconded by Senator Kahele.

Senator Chang noted:

“This bill is an effort to address the urgent homelessness crisis that is unfolding across the state and, in particular, one particular location, and that’s why these amendments are needed.”

The motion to agree to the amendments proposed by the House to S.B. No. 2206, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” was put by the Chair and carried.

FINAL READING

S.B. No. 2206, S.D. 2, H.D. 2:

On motion by Senator Chang, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2206, S.D. 2, and S.B. No. 2206, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

AGREE/DISAGREE

MATTERS DEFERRED FROM WEDNESDAY, JULY 8, 2020

S.B. No. 2893, S.D. 1 (H.D. 2):

Senator Ruderman moved that the Senate agree to the amendments proposed by the House to S.B. No. 2893, S.D. 1, seconded by Senator Kahele.

Senator Ruderman noted:

“This measure was necessary to provide clarity about the definition of ‘chronically homeless.’ The amendments were mostly housekeeping.”

The motion to agree to the amendments proposed by the House to S.B. No. 2893, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHRONICALLY HOMELESS,” was put by the Chair and carried.

S.B. No. 2894, S.D. 1 (H.D. 2):

Senator Ruderman moved that the Senate agree to the amendments proposed by the House to S.B. No. 2894, S.D. 1, seconded by Senator Kahele.

Senator Ruderman noted:

“The purpose was to provide some clarity as to which childcare facilities are exempt from reporting requirements.”

The motion to agree to the amendments proposed by the House to S.B. No. 2894, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD CARE,” was put by the Chair and carried.

S.B. No. 3117, S.D. 1 (H.D. 2):

Senator Ruderman moved that the Senate agree to the amendments proposed by the House to S.B. No. 3117, S.D. 1, seconded by Senator Kahele.

Senator Ruderman noted:

“This extends the sunset date of the medical respite pilot project while removing money for it, and these are all agreeable to us, and I thought it’s a great time for us to be agreeable. Thank you.”

The motion to agree to the amendments proposed by the House to S.B. No. 3117, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” was put by the Chair and carried.

FINAL READING

S.B. No. 2893, S.D. 1, H.D. 2:

On motion by Senator Ruderman, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to 2893, S.D. 1, and S.B. No. 2893, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHRONICALLY HOMELESS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2894, S.D. 1, H.D. 2:

On motion by Senator Ruderman, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to 2894, S.D. 1, and S.B. No. 2894, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD CARE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3117, S.D. 1, H.D. 2:

On motion by Senator Ruderman, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to 3117, S.D. 1, and S.B. No. 3117, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

AGREE/DISAGREE
MATTER DEFERRED FROM
WEDNESDAY, JULY 8, 2020

S.B. No. 2940, S.D. 2 (H.D. 2):

At 12:20 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 p.m.

By unanimous consent, action on S.B. No. 2940, S.D. 2 (H.D. 2), entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM DEVELOPMENT DISTRICT," was deferred indefinitely.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3794 (Gov. Msg. Nos. 809, 810, and 811):

Senator Taniguchi moved that Stand. Com. Rep. No. 3794 be received and placed on file, seconded by Senator Ihara and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

JERALD KEAULANA, term to expire June 30, 2023 (Gov. Msg. No. 809);

JAMIE WHITTLE-WAGNER, term to expire June 30, 2023 (Gov. Msg. No. 810); and

JESSIE SILVA-DUCAROY, term to expire June 30, 2023 (Gov. Msg. No. 811),

seconded by Senator Ihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3795 (Gov. Msg. Nos. 815 and 816):

Senator Gabbard moved that Stand. Com. Rep. No. 3795 be received and placed on file, seconded by Senator Ruderman and carried.

Senator Gabbard then moved that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

JON-PAUL BINGHAM, term to expire June 30, 2023 (Gov. Msg. No. 815); and

TAMMY MURRAY, term to expire June 30, 2024 (Gov. Msg. No. 816),

seconded by Senator Ruderman.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3796 (Gov. Msg. No. 817):

Senator Gabbard moved that Stand. Com. Rep. No. 3796 be received and placed on file, seconded by Senator Ruderman and carried.

Senator Gabbard then moved that the Senate advise and consent to the nomination of VINCENT MINA to the Board of Agriculture, term to expire June 30, 2024, seconded by Senator Ruderman.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3797 (Gov. Msg. Nos. 827, 828, 829, and 830):

Senator Gabbard moved that Stand. Com. Rep. No. 3797 be received and placed on file, seconded by Senator Ruderman and carried.

Senator Gabbard then moved that the Senate advise and consent to the nominations to the Environmental Council of the following:

ROY ABE, term to expire June 30, 2024 (Gov. Msg. No. 827);

IAN KAYE, term to expire June 30, 2024 (Gov. Msg. No. 828);

MICHAEL TULANG, term to expire June 30, 2024 (Gov. Msg. No. 829); and

PUANANIONAONA THOENE, term to expire June 30, 2024 (Gov. Msg. No. 830),

seconded by Senator Ruderman.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3798 (Gov. Msg. Nos. 823, 824, 846, 847, and 848):

Senator Ruderman moved that Stand. Com. Rep. No. 3798 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Ruderman then moved that the Senate advise and consent to the nominations to the Commission on Fatherhood of the following:

CHAD HASEGAWA, term to expire June 30, 2021 (Gov. Msg. No. 823);

ALLEN CARDINES, JR., term to expire June 30, 2021 (Gov. Msg. No. 824);

ANTHONY MENDEZ, term to expire June 30, 2023 (Gov. Msg. No. 846);

RICKY KANG, term to expire June 30, 2023 (Gov. Msg. No. 847); and

DAVID LUNCEFORD, term to expire June 30, 2024 (Gov. Msg. No. 848),

seconded by Senator Rhoads.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3799 (Gov. Msg. Nos. 818 and 819):

Senator Rhoads moved that Stand. Com. Rep. No. 3799 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:

STANTON OSHIRO, term to expire June 30, 2023 (Gov. Msg. No. 818); and

SETSUKO GORMLEY, term to expire June 30, 2023 (Gov. Msg. No. 819),

seconded by Senator Keohokalole.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3800 (Gov. Msg. No. 836):

Senator Kahele moved that Stand. Com. Rep. No. 3800 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Kahele then moved that the Senate advise and consent to the nomination of JEFFREY KALUHIWA to the Kane'ohe Bay Regional Council, term to expire June 30, 2024, seconded by Senator Keith-Agaran.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3801 (Gov. Msg. Nos. 837, 838, and 839):

Senator Kahele moved that Stand. Com. Rep. No. 3801 be received and placed on file, seconded by Senator Keith-Agaran and carried.

Senator Kahele then moved that the Senate advise and consent to the nominations to the Natural Area Reserves System Commission of the following:

JAY PENNIMAN, term to expire June 30, 2024 (Gov. Msg. No. 837);

ARTI CLARK, term to expire June 30, 2024 (Gov. Msg. No. 838); and

DONALD DRAKE, term to expire June 30, 2024 (Gov. Msg. No. 839),

seconded by Senator Keith-Agaran.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3802 (Gov. Msg. No. 621):

Senator Shimabukuro moved that Stand. Com. Rep. No. 3802 be received and placed on file, seconded by Senator Kahele and carried.

Senator Shimabukuro then moved that the Senate advise and consent to the nomination of MICHAEL KALEIKINI to the Hawaiian Homes Commission, term to expire June 30, 2021, seconded by Senator Kahele.

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

Ayes, 23; Ayes with Reservations (Ihara). Noes, 2 (Fevella, Ruderman).

Stand. Com. Rep. No. 3803 (Gov. Msg. No. 841):

Senator Kim moved that Stand. Com. Rep. No. 3803 be received and placed on file, seconded by Senator Kidani and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of DOREEN NAKAMURA to the Center for Nursing Advisory Board, term to expire June 30, 2022, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3804 (Gov. Msg. No. 842):

Senator Kim moved that Stand. Com. Rep. No. 3804 be received and placed on file, seconded by Senator Kidani and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of NADINE NISHIOKA to the Hawai'i Commission for National and Community Service, term to expire June 30, 2021, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3805 (Gov. Msg. No. 843):

Senator Kim moved that Stand. Com. Rep. No. 3805 be received and placed on file, seconded by Senator Kidani and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of PERRY ARRASMITH to the Hawai'i Commission for National and Community Service, term to expire June 30, 2023, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3806 (Gov. Msg. No. 844):

Senator Kim moved that Stand. Com. Rep. No. 3806 be received and placed on file, seconded by Senator Kidani and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of ERNEST WILSON to the Board of Regents of the University of Hawai'i, term to expire June 30, 2025, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3807 (Gov. Msg. No. 845):

Senator Kim moved that Stand. Com. Rep. No. 3807 be received and placed on file, seconded by Senator Kidani and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of KELII ACOPAN to the Board of Regents of the University of Hawai'i, term to expire June 30, 2022 (first name amended to KELLI by Gov. Msg. No. 855), seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3808 (Gov. Msg. No. 502):

The Chair announced:

"The Committee on Ways and Means made no recommendation on Governor's Message No. 502. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 3808, then we'll move to the final vote on this matter."

Senator Keith-Agaran moved that Stand. Com. Rep. No. 3808 be received and placed on file, seconded by Senator Baker and carried.

The Chair stated:

“Members, pursuant to Senate Rule 37(3), the final question on nominations made by the governor must be stated in the affirmative. Therefore, those casting ‘Aye’ votes will be voting to advise and consent, and those casting ‘No’ votes will be voting to reject the nomination. The Chair will now entertain a motion to advise and consent to the nomination of Mr. Hirai.”

Senator Keith-Agaran moved that the Senate advise and consent to the nomination of CRAIG K. HIRAI as Director of Finance for the Department of Budget and Finance, term to expire at noon on December 5, 2022, seconded by Senator Baker.

Senator Moriwaki requested that remarks in support of the nominee with reservations be entered into the Journal, and the Chair so ordered.

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

“Mr. President, I vote with reservations and ask that my remarks be inserted in the journal. Craig Hirai has served the state well. He has strong qualifications in public accounting, auditing, tax law and has provided valued work as former chair of the tax review commission. As head of the Hawaii Housing Finance Development Corporation, he led with integrity the 60-member corporation in addressing one of the most important needs of our state—affordable housing.

“Today, we face an unprecedented projected budget shortfall of \$2.3 billion, with 250,000 residents still unemployed, with businesses and our economy yet to return to normal. To take us through these times, to restructure state government, to reconstruct our executive budget, and to work with our 18 departments to plan and execute, we need an exceptional leader.

“The director of budget & finance must administer the state’s program and financial plan, the executive budget, and improve its management. This requires working closely with department heads to develop the budget, generate financial sustainability, and deliver essential services to the public. During the last five months, the interim director should have made progress on all these fronts. He should have worked with departments to use the federal relief funds to help position them for the coming year. Unfortunately, Mr. Hirai failed to provide such plans or even an overall direction or framework for how the state should proceed.

“Asked how he advised the Governor on salary increases for our public workers he merely replied ‘governor does not negotiate in public.’ Such answers, combined with the lack of a plan for delivering essential services to the public under our severe budget constraints, leaves little confidence that he can lead us at this critical time. We need someone else who can lead us out of this fiscal crisis.”

Senator Fevella requested that remarks in support of the nominee with reservations be entered into the Journal, and the Chair so ordered.

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

“I vote with reservations for confirmation of this nominee because he has not been assertive enough in urging that the Executive Branch fully take into consideration the negative impact that reductions in pay and ‘furlough days’ will have on public school teachers and lower-ranking State workers such as clerks.”

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

Ayes, 25; Ayes with Reservations (Fevella, Kim, Moriwaki, Riviere, Wakai). Noes, none.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 869) was read by the Clerk and was placed on file:

Gov. Msg. No. 869, informing the Senate that on July 10, 2020, the Governor withdrew the nomination of RONA SUZUKI as Director, under Gov. Msg. No. 503, from consideration by the Senate, was placed on file.

In compliance with Gov. Msg. No. 869, the nomination listed under Gov. Msg. No. 503 was returned.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3809 (Gov. Msg. No. 503):

By unanimous consent, action on Stand. Com. Rep. No. 3809 and Gov. Msg. No. 503, the nomination of RONA M. SUZUKI as Director, Department of Taxation, term to expire December 5, 2022, was deferred indefinitely.

Stand. Com. Rep. No. 3827 (Gov. Msg. No. 751):

The Chair announced:

“The recommendation of the Committee on Labor, Culture and the Arts on Governor’s Message No. 751 is that the Senate not advise and consent to the nomination of Damien Elefante as Chairperson of the Labor and Industrial Relations Appeals Board. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 3827, then we’ll move on to the final vote on this matter.”

Senator Keith-Agaran moved that Stand. Com. Rep. No. 3827 be received and placed on file, seconded by Senator Baker and carried.

The Chair stated:

“Again, members, pursuant to Senate Rule 37(3), the final question on nominations made by the governor must be stated in the affirmative. Therefore, those casting ‘Aye’ votes will be voting to advise and consent, and those casting ‘No’ votes will be voting to reject the nomination. The Chair will now entertain a motion to advise and consent to the nomination of Mr. Elefante.”

Senator Keith-Agaran moved that the Senate advise and consent to the nomination of DAMIEN ELEFANTE to the Labor and Industrial Relations Appeals Board, term to expire June 30, 2030, seconded by Senator Baker.

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

“Mr. President, your Committee on Labor, Culture and the Arts held a public hearing on May 15th for this governor’s message. Decision-making was made on July 7th after full consideration of the nominee’s qualifications and the testimony received. The committee voted unanimously to **not** confirm the nominee.

“Mr. Elefante is an inappropriate nominee to be chair of the board which deals with complex workers’ compensation cases. At present, the nominee has no background or experience in the law or cases involving workers’ compensation, boiler and elevator safety, occupational health and safety, or wages and benefits.

“Your Committee on Labor took notice that, as a matter of custom and practice, the Labor and Industrial Relations Appeals

Board has included proportional representation from labor, management, and government to provide the appropriate balance needed to fairly apply the law, decide cases, and develop policy precedents. The nominee would be the second government representative, together with one management representative, on the three-member appeals board—no claimant representative would be included.

“Your Committee on Labor, Culture and the Arts received testimony in opposition to the nominee from seven labor organizations, whose thousands of public and private employee members utilize the established rights and benefits for which claims are made and appeals may follow. These organizations were alarmed by the possible loss of any labor representative on the appeals board, and the nominee’s clear lack of experience in the substantive areas of law comprising the appeals board’s jurisdiction.

“Based on these concerns, I ask that the Senate **not** advise and consent to the nomination, and vote ‘no’ on Governor’s Message 751. Thank you, Mr. President.”

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

“Mr. President, I have no problem with this nominee’s ability to learn the job. As to his qualifications, I believe he is qualified. I think he’s the kind of person we need in government. But my one sticking point is that we are changing the practice of having a labor-management balance on this appeals board. There was an exception when a former senator was confirmed as LIRAB chair; but for him there was consensus that he could be part of the balance.

“Now, the balance issue may be wrong, because I could not find it in the law anywhere. It’s been the Senate’s practice, our job and our role, to vet the leaders of the other two branches of government. Nobody gets past us; no top leaders in the other branches get positioned until they come through our vetting process.

“So we’ve had a past practice, and I asked the nominee for rationale to change this practice because I’m open to changing it. I did receive a response, but it was a bit conclusionary, such as its outmoded and we need to move on, and all that. But I still haven’t found a reason.

“If I had to make the argument, which I won’t, I still couldn’t enough reason in my mind. I could be wrong, but I do not find reason to change our past practice of having consensus or a balance for LIRAB chair. I don’t think we need to have proportional representation, I don’t have to go that far. But I believe that there needs to be at least some semblance of trust in the community that parties to these appeals would be viewed from a balanced perspective. It’s a vague notion, and that’s why I believe it’s not in the law.

“I’ll say one more thing that I’ve said before. My vote on nominations and on bills is what I call a political act. Because as elected officials and constitutional officers, we have wide latitude on how we vote—left, right, up and down, deep, any which way. We don’t need a reason for our votes. We are sort of like the policy gladiators in the colosseum. Voters elect us, and we do the people’s work. They have no role in this, except we want their input.

“From my own perspective, I believe there’s too much politics in the public policy arena. The public wants to see public policy conducted using civic values. My main north star is—what is the civic purpose? I do not see a civic purpose here.

“I see a political purpose for this nominee, to reduce the backlog and get more decisions made. I consider this a political

reason, and a good political reason, because we need to be strong in order to do the job, and that’s fine.

“The question is: what is the civic purpose? I have not been able to find the civic purpose in this case, so I’m voting ‘no’ for this nominee. Thank you.”

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

“I think I heard the previous speaker say that there was an exception made in the past and it was a political one, and the exception was a former senator, so nothing seems more political to me than to deny this nominee the same exception. Thank you.”

Senator Fevella rose to speak in support of the nominee with reservations as follows:

“I was also part of the Senate Committee on Labor hearing Mr. Elefante. I’m going to be voting ‘with reservations.’ The reason for that is because I got to finally talk extensively for about a couple hours with him: My main concern was because I’m very concerned about his views on Labor. That was one of the main reasons why I wanted to talk to him and kind of pick his brain. I understand we have concerns on his abilities to be fair to Labor. In the conversation that I had with him, he said, as an attorney, he has respect for law—and that’s the important part, knowing the laws. There is something about him that I know that he’s going to be able to not only interpret but also follow the law in the favor of what he needs to do for his position. I understand the unions have some concern, and he tried to reach out to some of the unions. So I asked him this question because of the enormous opposition from the unions: If he is put through, would he be able to reach out to them and try to break bread and ho’oponopono with them and try to make them see that he is a good, qualified candidate who is capable of following the law and doing right by the people and the government agencies and the people that they represent? So that’s the only reason why I am voting ‘with reservations,’ because I know he does not have that experience in Labor, but I think he’s more than capable of following and abiding by the laws. Thank you.”

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

Ayes, 16; Ayes with Reservations (Fevella, Moriwaki, Ruderman). Noes, 9 (Baker, Chang, Gabbard, Ihara, Kahele, Kim, Kouchi, Rhoads, Taniguchi).

Stand. Com. Rep. No. 3828 (Gov. Msg. No. 583):

At 12:39 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:44 p.m.

The Chair announced:

“The recommendation of the Committee on Water and Land on Governor’s Message No. 583 is that the Senate not advise and consent to the nomination of Christopher Yuen to the Board of Land and Natural Resources. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 3828, then we will move on to the final vote on this matter.”

Senator Keith-Agaran moved that Stand. Com. Rep. No. 3828 be received and placed on file, seconded by Senator Baker and carried.

The Chair stated:

“Again, members, pursuant to Senate Rule 37(3), the final question on nominations made by the governor must be stated in the affirmative. Therefore, those casting ‘Aye’ votes will be

voting to advise and consent, and those casting 'No' votes will be voting to reject the nomination. The Chair will now entertain a motion to advise and consent to the nomination of Mr. Yuen."

Senator Keith-Agaran moved that the Senate advise and consent to the nomination of CHRISTOPHER YUEN to the Board of Land and Natural Resources, term to expire June 30, 2022, seconded by Senator Baker.

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

"I believe he is highly qualified. He's always been a strong voice for the environment. His lifetime record of conservation advocacy and achievement, I believe, speaks for itself. Chris's legacy is far-reaching; whether through good planning or public acquisition of precious conservation and park lands, Chris Yuen's contributions will benefit generations. His legal training, planning expertise, demonstrated commitment, and track record make him a valuable BLNR member in helping to protect and wisely manage Hawaii's natural resources, the core mission of the Board of Land and Natural Resources.

"There's one more criterion by which every appointee to a state board or commission should be judged, and that is personal integrity. There should be no self-dealing, no self-aggrandizement. There should be a genuine focus on the common good or the greater good, and there should be honesty. I believe 'personal integrity' describes Chris Yuen. Also, many upstanding and highly respected citizens who have worked with Chris over the years support his reappointment—folks like Colbert Matsumoto, Lea Hong, Ken Kupchak, Roy Takemoto, Keith Kato, and JoAnn Yukimura. Chris is a moderate voice who will help BLNR find real solutions and create the community of aloha.

"I support Chris Yuen's nomination because I believe he has the integrity and demonstrated commitment and ability that's much-needed by the Board of Land and Natural Resources. I ask my colleagues to join me to vote to confirm him. Mahalo."

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

"Chris is a long-standing public servant with decades of experience and knowledge that can continue to benefit the board, Hawai'i island, and the state. Those who know Chris and have served alongside him know him for his character, his integrity, his levelheadedness, and his fair decision-making. We can see this highlighted in the testimony that was submitted by DLNR chair Suzanne Case, board member Sam 'Olu' Gon III, Professor Jonathan Price, among many others.

"Chris Yuen has received opposition from a number of individuals who are frustrated by his decisions regarding Kalo'i Gulch, the North Shore wind farm, and the east Maui water permits. As legislators, we know that we all must make difficult decisions. We research, we listen to the community, and we hope that whatever side of the issue we're on, it has a positive outcome that we intended. Either way you vote, there will likely be a group of people who will disagree with your decision. There is seldom a clear right or wrong answer, yet the committee report emphasizes again and again that Chris has come up on the wrong side of the vote. I respect my colleagues in doing their due diligence to make sure that the people's interests are acknowledged and represented. However, I also have concerns that the committee is holding Chris responsible for decisions that were made by a majority of the DLNR board members.

"If we are going to single Mr. Yuen out for his vote on issues, then why don't we look to his voting record in some of your own districts? To the senator representing Mānoa, Chris rejected

the expansion of Paradise Park. To the senator representing Ala Moana, Chris voted to not reduce the free parking at the Ala Wai boat harbor. And to the senator representing Kapa'a, Chris voted to approve the Hā'ena State Park master plan, which addressed the increasing number of visitors and associated impacts in order to protect significant cultural resources, maintain the park's natural beauty, and attempt to reduce impacts to the local communities and residents. Chris has also voted in favor of several land acquisitions, including nearly 2,900 acres of mountain watershed and lands set for native reforestation and recreation known as the Helemano Wilderness Recreation Area in Senate District 22, and the land acquisition from Kawela Bay to Kahuku Point preserved 630 acres of undeveloped property next to Turtle Bay Resort in Senate District 23. For years, development on this coast was fervently opposed by all who love O'ahu's North Shore. Chris Yuen's decision ensured that access to the shoreline will remain undeveloped so that people will be able to enjoy the land for generations to come.

"The Department of Land and Natural Resources' pledge is to enhance, protect, conserve, and manage Hawai'i's unique and limited natural, cultural, and historic resources for current and future generations of the people of Hawai'i. I believe it is evident that Chris Yuen's decisions align with his obligations as a board member. He has shown his willingness to sacrifice time, effort, and political affiliations in order to serve the people of Hawai'i.

"Colleagues, in closing, let me share some comments that I received from President Lehuakona Isaacs and past president Dr. Charles Burrows of 'Ahahui Mālama i ka Lōkahi, Hawaiians for the Conservation of Native Ecosystems:

Please vote 'yes' to confirm Chris Yuen as a member of Board of Land and Natural Resources. This modest, thoughtful champion of the environment is needed due to his experience and grace while finding a way forward for the many users of public waters and lands. Instead of just enjoying the fruits of his country farm or basking in a beach or park he planned or defended, in an era of civic dilemmas, thankfully this unflappable citizen volunteers more years in the hot seat sorting options with great care to build a better future for wahi pana, special places in communities we love. Chris Yuen has had broad legal, planning, and farming experience all over the state, beginning at Volcanoes National Park and continuing in Kona, pushing for new state parks. Together, we have worked for 30 years volunteering in Kawai Nui State Park Reserve's legendary sites Na Pohaku o Hauwahine and Ulupō Heiau while leading the nonprofit 'Ahahui Mālama i ka Lōkahi. Recently, Mr. Yuen crucially improved the DLNR master plan to allow a home base for our future restoration efforts. Too many Hawaiians have become disconnected from these places, and he enhanced educational opportunities for local folks, youth especially, to be personally involved in outdoor environmental restoration. The cultural benefits of nonprofit education centers around the public's marsh are new to this plan. We have personally experienced his problem-solving, proving the public needs his experience, grace, and wisdom on BLNR, so we strongly urge you, Senator Inouye and members of the Senate, to please vote to confirm Chris Yuen.

"For these reasons, Mr. President, I will be voting to reconfirm Chris Yuen to the Board of Land and Natural Resources, and I hope my colleagues will do the same. Mahalo."

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

“I’ve known the nominee for well over 30 years. I know him personally from within our community, and I feel it’s my job to speak out because I’ve heard a lot of things said that aren’t true about him. Full disclosure: Although I’m pretty sure it’s not a conflict of interest, I do buy bananas and lychee from Chris’s organic farm, and I’m a good friend of his wife and himself.

“One of the things I admire about Chris and his service on the board is that he’s a very active board member. He’s one of those board members who digs into the details, asks questions—asks the tough questions—on both sides. It’s easy to be a passive board member and it’s almost irresistible not to do that, but what we need are active board members who will dig into the details and will ask the tough questions. If you take a hundred controversial votes, everyone’s going to disagree on at least some of them, probably five or so, even if we totally agree. I don’t agree with all of his decisions; he’s dead wrong on the most important issue in my community, which is geothermal. He’s still willing to ignore the health impacts on hundreds of my neighbors, but in that regard, he’s like almost everyone else viewing the issue at a distance.

“So I don’t agree with every one of his decisions; that’s what happens when you make a lot of tough decisions, but I do want to take a minute to explain when I first met Chris Yuen because it’s telling. I was a member of a community called Waa Waa. It’s out in as rural Puna as you can get. It’s four miles down a dirt road. Only about a hundred people live there, and one day at our community association, this guy comes to talk to us about trying to save a beach called Makalawena on the Kona side from development. He came to talk to us as a grassroots environmental activist. A guy whispered to me while I was at the meeting, ‘Do you know that this fellow has won a case before the United States Supreme Court?’ I think that’s a pretty rarefied atmosphere for attorneys, but this guy was out in the boondocks, talking to 15 people about an environmental issue that was far from his home, and we were far from his home as well in another direction, so he was doing this volunteer work, the nuts-and-bolts work that is environmentalism, as a private citizen after having this really remarkable career as a successful attorney. By the way, the fellow, he went to the Supreme Court to save my friend Jim Good’s house from an illegal forfeiture. I thank him for that.

“There are many areas on the Big Island that are currently preserved because of Chris’s efforts as a private citizen, and I don’t know anyone else I can say that about, so when someone comes along and says he used to be an environmentalist but he’s not anymore, well, I’m an environmentalist, and I recognize one when I see one, and I admire Chris for his decades of action and efforts, even though I don’t always agree with him. Thank you.”

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

“Integrity, transparency, accountability, honor, fidelity, and trustworthiness: Those qualities mean a lot to me, and I know they mean a lot to this body because it means everything to the people of Hawai‘i—the people we serve and whose trust we cherish. Now, I have absolutely no doubt that the nominee had all of those qualities all the previous speakers spoke of before me, but that is not the nominee who came before the Water and Land committee who has served on the BLNR for the last six years and is the nominee before this body today.

“Why is the Hawai‘i island seat on the Board of Land and Natural Resources so important? It’s because preserving and sustaining in perpetuity the irreplaceable beauty of our state’s natural resources for the benefit of my children and their children is our kuleana; it’s our responsibility. Our vistas and

landscapes, our majestic summits and streams, our lush waterfalls and coastlines, our sandy beaches and ocean resources, our rainforests and our pastures, our native birds and bats and fish and ‘o‘opu and hīhīwai and wēkiu, and most of all—perhaps even best of all—our cultural resources and inheritance, the heart and the soul of these islands, that gifted us—all of us—our unique identity in this world. Because of that, there is a profound responsibility that comes with this position. A nominee must possess compassion; open-mindedness; innovative ideas; due regard for the law; a healthy respect for our diverse communities and their opinions, however dissimilar from their own; and what I believe is the most important characteristic of a nominee, humility.

“The nominee is highly educated and is a dedicated individual who has volunteered his time over the last six years, fourteen years total, to serve on the BLNR. Most people never get a chance to serve on the BLNR in their lifetimes. Fourteen years. We thank him for that. We appreciate his service, but today, it’s time to move on.

“Now, more than ever, we need a nominee—we deserve a nominee—who understands how to bring people together and collectively work to address the management of our natural resources, who can understand how to administer these resources for the public, who respects this state’s constitutional and statutory obligations. We need a nominee who can resolve conflicts. Unfortunately, on multiple occasions over the last six years, the nominee has not demonstrated this. For the many environmentalists, cultural practitioners, subsistence fishermen, farmers, limu gatherers, and, yes, their legal advocates who, six years ago, strongly supported this nominee but do not support his nomination today: Why is that? Well, the answer is obviously complex, but in the final analysis, these entities believe, as the subject-matter chair and the committee believe, that it is time for us to move on. These people, they’re not losers with malicious intent and ill-founded opinions, undeserving of an audience. They are not threats to our democracy. These people simply care deeply, as they should—as we all should—about the natural and cultural environment we’re leaving for the next generation. And if that’s their agenda that they’re guilty of, then we owe it to them to listen more closely, listen more thoughtfully and more respectfully to what they have to say and teach us. Given that generations of residents will be affected by these decisions, we owe it to the public to fill the Board of Land and Natural Resources with people they trust, people who will listen with an open mind, people who look at decision-making as a process to be collaborative. There are many fair, reasonable, objective, and qualified individuals on Moku o Keawe, Hawai‘i island, who should be given an opportunity to apply and be considered for this important position. This body must set a minimum standard that we adhere to and a vision that we must strive for. We have a difficult decision to make, but that’s why we are here.

“We thank the nominee for his 14 years of service on the Board of Land and Natural Resources. We wish him and his family well. But, colleagues, it is time to give someone else on Hawai‘i island that opportunity. It’s time to move on, and so I ask you to support my recommendation to not consent to Governor’s Message No. 583. Mahalo, Mr. President.”

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

“I know I’m new to this body. I did a lot of extensive research, not only in my community but in other places on the neighbor islands. Yes, he has a very, very impressive résumé, very impressive record; I even told that to the nominee. But the gentleman who came before us in the committee—and that’s the reason why I have so much mixed feelings with him myself battling, because I very much admire this guy in previous times in his whole main reason to take care of our environment, but as

I went through and talked to people around the islands and realized there's a lot of decisions that this gentleman had made, and even went even against the board when the board had made recommendations to support not doing certain things and he went against them, and now some of the stuff is still in legal court.

"But I'm going to go with what I know, with Uncle Henry, in all the years that I know him when I was president of the Lions Club and chair of the neighborhood board. All his vision was, is to bring back the limu to not only in 'Ewa Beach but to the State of Hawai'i. With the constant run-ins that he had with Chris Yuen over the years, Uncle Henry, sadly to say, passed away, and he has left down his legacy to have other people to try to pursue his legacy, but his strength within the community in limu and trying to get the state to realize how important the environment on land is to the ocean and what is the land doing to the ocean. And I'm not that smart with all that stuff because I'm not a swimmer; I mean, I don't swim, ever since I was 12 years old, in the ocean, but I know what our ocean in 'Ewa Beach looks like today with all the runoffs, with all the development. And no get me wrong, development is okay, but we have to have development that is smart. But we have opposition saying that 'Ewa Beach, Hau Bush, where I grew up, where we cleaned every month, is okay to have runoff from the big development of Haseko, Department of Hawaiian Home Lands, city and county, yeah? All the guys whose mountain-side 'ōpala is going to come our side, and they're pushing Haseko to do it, so I called Haseko and asked them. They said they don't need to lower the berm to continue their development. It's everybody further inland need them to lower the berm. So I asked Chris Yuen what was his scientific fact, being the only person who voted 'no,' saying it was okay when the 10-year flood come in and run off for a few hours, it won't contaminate the ocean, it won't contaminate the reef, it wouldn't kill the limu, wouldn't hurt the fish. If that's the case, then why did the City and County of Honolulu, Honouliuli Treatment Plant, move their outlet pipe one mile out to sea? Because it was out there, exactly where he's talking about the runoff: 25, 30 feet, where they all claim they get toilet paper coming out of there. Toilet paper coming out of that pipe would be a miracle, but the city knew what they were doing to the inlet and the outlet of that area, where exactly where he's talking about that it was okay. But, again, we of 'Ewa Beach, because we no more the cane fields, we no more the runoffs, we get all the golf courses—try look at our golf courses, guys, if you guys ever been out to 'Ewa Beach. I'm glad the chair of Water and Land came out, he's seen: Every single golf course in our community get holes more deep than this capitol roof, and you know why? When they had gotten their permits from the city, city and county said, 'You guys gotta be able to make an area where you guys can catch in the hundred-year flood.' While moving forward with Chris Yuen six years ago, going forward, now the city and county is putting the pressure on Haseko to do it, and the community came against them. He was the only 'yes' vote to lower the berm.

"So, again, I asked him this question again, and I'm saying it again here: What was his scientific fact? He didn't have one. It was a personal analysis that he had on himself of being 14 years of experience. So I asked the candidate again, 'Reading your résumé, sir, reading your résumé, this is two different people,' because the Chris Yuen in the beginning that our previous senators talked about on the Big Island who came to talk to 15 people, that's not the guy. It's not. And I asked him that question, because I'm going to tell you right now, if that's the guy that his résumé, hundred percent, and all the people who voted for him before say the same thing to me.

"So it's not my imagination, it's not my short-term or narrow view because it's my community. I'm talking about other communities made decisions to make the count higher on

killing our native bats without even having—to this day, I asked how many male bats we have, how many female bats we have. To this day, nobody knows, but it's okay for so much to die a day. Let's change this around. Let's say this thing was killing cats, yeah? You know how much people love cats around here. Let's say it was allowed to kill 1,500 a day. Well, what happened at the Humane Society? They lynched that person, got rid of 'em! Because nobody knew she was killing cats. But that's what I'm saying. We pick and choose what we're going to sacrifice when it comes to land, water, and our natural resources, and I am here today not willing to make any more sacrifices. His accolades, all that he accomplished, I take nothing away from this gentleman, but going forward, we need something new, more creative—not saying that he's not smart; he's a smart man. But, like I said, when we had the first hearing with him and was questioned about the windmills, he said the people of Kahuku should be proud—he changed that later on, he apologized—because they should be proud because they're taking away the carbon footprint. Hmm. But I asked him again, what was the scientific fact, what was the study around human beings and windmills? I don't know if anybody in this body knows; he doesn't know, either. And you know why? Because there was never a study done because windmills were never supposed to be put in residential areas. They know that now, and the guys who doing now for do renewable energy, they all checking and taking a look on how we go about renewable energy in Hawai'i. It's already there; not all of them are working because, again, we have a blocker—that's Hawaiian Electric, stopping these things from going forward. But I don't know if any of you guys ever went out there, which I did, not only with the Land chair and Senator Riviere. I sat there, and I've seen huge bulldozers knocking down fruit trees and all kind of agricultural plants to build these windmills, so if we conserve to our 'āina and we want our 'āina to grow, ask the guys who are building them and ask the people who do windmills, what is it going to do to the earth? What's it going to do? Thirty years from now, when this thing comes down, you cannot plant nothing around it for years! That's the part I'm trying to say to him. This is not the guy that I read, hear about from all my different senators. He really did, at one time, don't get me wrong, love what he did, love volunteering, love the 'āina. But making decisions, saying that not everybody is going to agree with him and then he's got to make the hard decisions—hard decisions is not taking away agriculture, which everyone over here always talk about how much we need agriculture! Please, you guys, go down to Kahuku, talk to the people. Go over there, look at this ugly thing. Look at the ziplines they want to propose. There's a lot of stuff that is happening out there, taking away the very little land that they have for agriculture out there.

"So I'm just saying: I talked to him—I even tried talking to him on the side. The guy I read about, the guy here everyone talking about, that's the guy that everybody said six years ago: phenomenal! Phenomenal champion. But I think, you know, all the research I did and the families that I talked to about the environment—that's not the decision that we should going forward now. We need somebody who's, you know, really conservative and really thinking about how important the land and our ocean is because it's vital to us, guys.

"'Ewa Beach, we don't have limu like we used to. Uncle Henry tried, we tried at the neighborhood board, to make a no-pick zone. He died trying to revive something that was unrevivable because he had no support. You think DLNR would have been behind him 10,000 percent, not on the side of the developer trying to make more houses, more roads, and more runoff. I don't want no runoff in my community, and I'm fighting against that, and has nothing to do with him personally. I have nothing against the gentleman, but the decisions that he made for these communities is vital, is not reversible, it cannot! The water cap that we had broken over there out in Hau Bush,

it's not repairable. It's done! So when Uncle Henry them were trying to revive statewide, neighbor island-wide education about this, they had no support. So that's the reason why it's in litigation right now, and that's the reason why I was very saddened when I tried to talk to him about it, knowing that we're not going to have the compassion, the compassionate guy who came with the 15 guys out there, talking to people about the environment.

"So I just advise my colleagues to understand this is nothing personal. It's something that I observed in the short time I'm here and all the research that I did, that this is not the same guy who is on paper, the same guy in his résumé. So I ask my colleagues to join me in not advising Chris Yuen for the position. Thank you."

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

"Before I begin my remarks, I should acknowledge that I have had interactions with the Board of Land and Natural Resources through my capacity with Keep the North Shore Country; we've been involved in some of these windmill and bat cases.

"My opposition to Mr. Yuen basically falls on his, shall I say, his notorious habit of disregarding staff submittals. In the case that I've been involved with, with Keep the North Shore Country and Na Pua Makani's wind farm, there was a contested case hearing that lasted over a year. Evidence was presented, debated, briefed; oral arguments were heard; and the hearing officer, a neutral party, recommended that the plan to protect the endangered 'ōpe'ape'a was inadequate, and she was a neutral party and she did her due diligence and made the recommendation. Mr. Yuen just outright discounted it; it didn't matter, the years' worth of research that she had pored through and presented. He just felt that it was more important to have the wind energy, and this is my observation of what he did. And I hear other stories, whether it's a staff submittal for an amount of water to be diverted out of east Maui, and in the meeting, he says, 'Well, it doesn't matter that the staff said "35 million gallons a day"; we're going to just up it to 45 million.'

"Other cases where we all remember a couple years ago, the fishermen for the longline boats who are stuck on the boats and they can't come onto the dock. Well, one of the unique aspects of that is that in order for them to sell the fish, all these fishermen who cannot come onto the dock have to have a local fisherman's license. So there was a hearing before the board, and Mr. Yuen aggressively challenged the people who were speaking against issuing these licenses for fishermen who cannot come into the state, and we know—we saw that in the news a few years ago, how tragic it is that they can't get off the boats. So we see again and again, time and again, that there's this pushback. There's Kahala Hilton, and they're using the beach, but they say, 'Oh, it's not a beach now; it's covered in grass.' No, but that is the beach that was covered with grass and now is being used for commercial, private use.

"The common thread in all of this is that in every case where push comes to shove versus when it's the community pushing back and saying, you know, we don't want this development or we don't want water flooding into 'Ewa Beach to destroy the limu or the community says we don't want these gigantic wind turbines towering over our schools and our houses with the shadow flicker and the noise and the vibrations, the people's concerns—I asked him this, during the hearings, and he just basically dodged every question I asked about how do you weigh the public sentiment and the host community. How do you care about this? And in every case, it's just he's the smartest guy or something, and he doesn't care what your other recommendations are. He's made up his mind; he's going to

push. And in every single time, it's for the developer, the builder, the whatever, and not for the community interest.

"And I'll finish with this: When I asked him what his message would be to the people of Kahuku after 200 people were arrested—and these people are beside themselves, believe me. I was involved; I was out there, seeing the deliveries and the pain and the grief and the agony that was those deliveries, and the people are still, to this day, suffering and dreading these monstrosities that are towering over their elementary school. I asked Mr. Yuen, 'What would you tell the people of Kahuku?' And he said, 'Well, I would hope they would find it in their heart to find a place of pride in these turbines.' So that's the disconnect that I want you guys to think of as you cast your vote today. Thank you for allowing me to voice my opposition. Aloha."

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

"Mr. President, if this motion was to vote down the nominee, I would vote 'with reservations.' But we don't have reservations for 'no,' so I'm a clear 'no.' And I'm a clear 'no' because I can accept, as one of our 25 citizens in this chamber, I could be wrong. But I'm trusting my civic sensibilities and will make the best judgment I can.

"Like I said, I'm using my political tool, my vote, for a civic purpose. So what is the civic purpose? I am looking for land board members, just like Hawaiian Home Lands Commission members, that have legal fiduciary responsibilities. They are trustees, trustees for the state and to protect and steward our natural resources, the use of our state resources. In our state, public lands, beaches, water—they're public resources. These things are not owned.

"This nominee did start out as a steward. We've been in battles together, and he's been one of my heroes. There weren't many of them back when he was there, so he would stand out. But BLNR is not like a court where you try to be fair, where the judge has to be fair. The judge is a trustee for the state. It's not like there's something to balance.

"As a trustee and steward of resources, he started out that way. I believe in my judgment that is what I call 'power creep.' When you're in power for a while, you get used to it. You want to do good, so you be efficient, and you move fast as you can. You try to bring everyone along, but if you can't, you can't. I think we forget, especially like this empty chamber, that every time we make a decision, we need to look in people's eyes.

"I say the way we relate to the people is we kneel. Because we're the ones with power, and power is the one that's responsible for this space. We are responsible for the safe space and all its quality. After a while, and I'm talking about myself as well, intellectual humility kind of drains away a little bit, because of the job we have to do. We kind of forget that civic spaces are sacred spaces.

"We treat them as political spaces, because there are two things about political decisions. One is the political leader decides what's good; and then how we get there. So we have two powers that are self-justifying. I know it's hard. It's hard to move out of the family and personal values of reciprocity, and those reciprocities do not belong in civic space. We're not to favor others or demean others in the civic space. They're all equal. We need to treat it like that.

"We're noticing systemic racism. We're noticing that, and we need to notice, how we treat dissidents, how we treat people with different views. I've done it; I've inadvertently diminished them. I've actually thought that they were lesser than me. I mean, how dare I? I did, I have, and we all have. And this nominee is so well and good that he's effective, and he's not the

only one where utilitarian values sometimes trump human relationships.

"I do appreciate the nominee. Actually, all the nominees I spoke to; they were honest. I tell people that advocates lie, because advocates will purposely omit datapoints that will undercut their position. And sometimes they exaggerate some datapoints to advance their position untruthfully.

"I had a truthful conversation with the nominee, and I really do honor him for that, because he did that not knowing how I'd vote. That means a lot to me. It's just my one vote, so I don't know, like with the other nominee, I don't know what the majority will be.

"I know that all I can do is vote based on what I can do.

"To the credit of the nominee, I think the nominee and I are on the same page. I'll tell you a couple of things that we are on the same page. So, I could vote for him. But what's my civic purpose?

"I have found that on the land board minutes, the nominee and I had a disagreement, even the chair. I had to explain that once you're a movant, you step up and you make a motion. Until you step down, everything you say counts. You can make mistakes, but the vote sticks on what you say. He had said, to his credit, next time he'll sit down and say whatever gallage or whatever numbers that were incorrect. But it was said during the motion, as a movant! If he was on the floor debating and gave wrong information, that's okay because we're voting on the movant's motion, and as a movant, he misstated it. But that's what they voted on, and no minutes can correct what happened in the room.

"I'm a little bit forceful on this, not because they're bad people, but because I think they're well-meaning. I mean, I'm proud of them because the private marketplace is not open at DLNR. It used to be. I was involved in politics for 30-40 years, and DLNR land board leases, that's a marketplace. That's how you help. We in Hawai'i have got good people in government, but when you have to raise money for your campaign, you want to stay on the line. And you try to stay on the right side of it, but some people cross it; inadvertently, probably.

"There were times during the Bob Watada era when it was done purposely, when they thought they could get away with it. That's when I rolled out a 60-foot scroll of all of the millions of dollars of campaign funds that were blatantly given for quid pro quo purposes. Anyway, this doesn't happen anymore.

"So I think it's ironic that we have probably what I consider the cleanest, non-transactional executive branch we've had in a long time. It's ironic that we find what would be considered, maybe some people would call it corruption? I don't consider it political corruption. What it is, is political expediency. There's political goals, and what it is, is we have to, we're doing it, so the minutes, he did it the way he did it because that was the most efficient way to do it, but when you did it, he wasn't looking into people's eyes. It was, can I say it: something, a letter - 'you'? A 'blank-you' to them. He didn't mean it, but that's what happened. That's how people feel. The nominee is, I think, now open to hear people's truths. You hear a lot of times 'Oh, I don't want to hear it', or 'I'm sorry, I don't want to hear it.'

"But the second thing is on being a steward. I found the Kahala Hilton example, whether it's a violation and as well as the lease amounts. You know, how valuable is the use of public resources? And I think the default should be it's valuable! It's priceless! So we start with, we have value. Then we try to utilize it with the private sector, and that's good. But the default should be on our side, on the state's side, because we have a fiduciary responsibility.

"I'll close by saying that if the nominee is confirmed, which we'll see, I just don't know. I hope that whatever he's learned in this advise and consent process will be used. He did say, and I do want to note interestingly that I'm kind of lifting up the person I'm going to vote down on. But he did say in one of our conversations, actually in writing, if confirmed, 'I will always ask myself before I vote on anything: "what is the civic purpose?"'

"Thank you."

Senator Fevella rose to request a Roll Call vote, and the Chair so ordered.

The motion was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 16; Ayes with Reservations (Kanuha, Keohokalole, Nishihara, Taniguchi). Noes, 9 (Chang, Fevella, Ihara, Kahele, Kim, Moriwaki, Rhoads, Riviere, Shimabukuro).

At this time, the Chair observed that it was an appropriate time to say, "Senator Misalucha, welcome to the Senate. We've not even gotten to the bills yet."

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, JULY 8, 2020

H.C.R. No. 26:

On motion by Senator Kahele, seconded by Senator Fevella and carried, H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

H.C.R. No. 147:

By unanimous consent, action on H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO DISPOSE OF THE LONG-TERM WATER RIGHTS LEASES FOR HAWAIIAN ELECTRIC'S NON-CONSUMPTIVE WATER USE ALONG THE WAILUKU RIVER BY DIRECT NEGOTIATION AND PROVIDE GUIDANCE ON DETERMINING THE VALUE OF THE ANNUAL WATER LEASE RENT," was deferred indefinitely.

FINAL READING

S.B. No. 2060, S.D. 2, H.D. 2:

On motion by Senator Gabbard, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2060, S.D. 2, and S.B. No. 2060, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2130, S.D. 1, H.D. 1:

On motion by Senator Nishihara, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2130, S.D. 1, and S.B. No. 2130, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE CODE," having been read

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

Ayes, 25. Noes, none.

S.B. No. 2139, H.D. 1:

Senator Thielen moved that S.B. No. 2139, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kahele.

Senator Kim rose to speak in opposition to the measure as follows:

“Please register my ‘no’ vote. That is the retroactive measure of this, and I’m not able to support it. Thank you.”

The motion was put by the Chair and failed to carry, and S.B. No. 2139, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VACANCIES,” having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 9. Noes, 16 (Dela Cruz, English, Fevella, Gabbard, Kahele, Kanuha, Keith-Agaran, Keohokalole, Kidani, Kim, Moriwaki, Riviere, Ruderman, Shimabukuro, Taniguchi, Wakai).

S.B. No. 2185, H.D. 1:

By unanimous consent, action on S.B. No. 2185, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY,” was deferred indefinitely.

S.B. No. 2193, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2193, and S.B. No. 2193, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2262, S.D. 1, H.D. 2:

On motion by Senator Kidani, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2262, S.D. 1, and S.B. No. 2262, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2275, S.D. 2, H.D. 2:

On motion by Senator Baker, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2275, S.D. 2, and S.B. No. 2275, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NOTARIAL ACTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2384, S.D. 2, H.D. 2:

On motion by Senator Inouye, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2384, S.D. 2, and S.B. No. 2384, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2386, S.D. 2, H.D. 2:

Senator Kahele moved that S.B. No. 2386, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator English.

Senator Fevella rose to request that remarks in strong support of 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 was one of the eight Senators who co-sponsored this bill, proposed by the Senate Native Hawaiian Caucus. This bill places reasonable restrictions on the use of conservation district lands for waste or disposal facilities. The buffer zone of no less than one-half mile from residences, schools, and hospitals is critically necessary to protect the health and safety of the public.”

Senator Kahele rose to speak in strong support of the measure as follows:

“Colleagues, Article XI, Section 9, of the Hawai’i State Constitution is dedicated to the environmental rights of Hawai’i’s people, and states, ‘Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources.’ The measure before this body today, Senate Bill 2386, Senate Draft 2, House Draft 2, would prohibit a waste or disposal facility in the conservation district as well as require a half-mile buffer zone for any future facility, and this is a bold step to advance environmental justice in Hawai’i’s rural communities.

“But what is environmental justice? Environmental justice is a movement inspired by the 1960s civil rights movement, when communities across the continent, primarily made up of low-income, minority populations, began to fight the disproportionate placement of toxic land uses in their communities. One of the first communities to lead the effort was Warren County, North Carolina. In 1982, the State of North Carolina proposed to create a highly toxic polychlorinated biphenyl (otherwise known as PCB) landfill in the predominantly African American community of Warren County. The EPA (Environmental Protection Agency) noted that PCBs have been demonstrated to cause a variety of adverse health effects. The community of Warren County fought the siting, with hundreds of people arrested during protests. The Warren County situation resulted in numerous studies showing that commercial hazardous waste landfills were predominantly placed in African American communities across the country.

“For far too long, the Wai’anae Coast has carried the heavy burden of O’ahu’s industrial energy, military ordnance, and municipal and construction landfill waste. For decades, this community has sounded the alarm as to the numerous and concerning health impacts that remain concentrated in the adjacent communities to these landfills. Moreover, there are numerous health vulnerabilities in these communities that warrant concern, including high comorbidity and respiratory diseases, including asthma. These baseline health insecurities are further exacerbated by the current COVID-19 crisis. The communities bearing the burden of the island’s waste are predominantly Native Hawaiian, and many of these families also struggle economically. This pattern of marginalizing indigenous, minority, low-income communities is a strong example of environmental racism, and it can no longer be ignored, and it can no longer go without redress. Every community in Hawai’i has the right to a healthful, healthy environment, and no community should bear the disproportionate risks and consequences of environmental pollution. Toxic coal ash, asbestos, contaminated petroleum

soil, and thousands of tons of construction and demolition waste have no place within 750 feet of any Hawai'i residential neighborhood. The existing construction and demolition facility in Nānākuli will not be affected by this bill, and in fact has stated in its final EIS, dated January 2020, that it has seven to twelve years before reaching capacity. In the meanwhile, the City and County of Honolulu has the capacity and must develop a long-term plan for responsible waste management on the island of O'ahu.

"Further, if we are truly committed to island sustainability, we should encourage and prioritize projects that reuse materials to the maximum extent possible. This has the potential to increase the life of the existing C&D facility without having to expand the facility into pristine, untouched, undeveloped land or local communities. Today's architectural and building professionals have the talent and technology to do extraordinary work in the area of sustainability. By working together with the construction industry, the business community, and nonprofits, state and county governments are fully poised to support maximizing reduction, recycling, and reuse best practices with the goal of diverting as much C&D waste away from our landfills as an essential aspect of design and construction activity.

"Colleagues, we have been moving toward environmental justice in Hawai'i for decades. Those who came before us in 1974—the year I was born—passed the Hawai'i Environmental Policy Act, otherwise known as HEPA, finding that the quality of humanity's environment is critical to humanity's well-being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment. This remains just as true today as it was 46 years ago, and we are well past due to better realize this vision. In Hawai'i, our state motto is Ua mau ke ea o ka 'āina i ka pono, which means, 'The life of the land is perpetuated in righteousness.' Let us never forget, it is our kuleana to conserve and protect our limited islands' natural resources and that we have an affirmative duty to promote a healthy and sustainable Hawai'i for everyone, regardless of race, ancestry, or socioeconomic class. Mahalo, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2386, S.D. 2, and S.B. No. 2386, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kim).

S.B. No. 2421, S.D. 1, H.D. 1:

On motion by Senator Baker, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2421, S.D. 1, and S.B. No. 2421, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2486, S.D. 1, H.D. 1:

On motion by Senator Kidani, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2486, S.D. 1, and S.B. No. 2486, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION DATA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2523, S.D. 1, H.D. 2:

On motion by Senator Nishihara, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2523, S.D. 1, and S.B. No. 2523, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2612, S.D. 1, H.D. 1:

On motion by Senator Rhoads, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2612, S.D. 1, and S.B. No. 2612, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS OFFICIALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2638, S.D. 2, H.D. 3:

On motion by Senator Nishihara, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2638, S.D. 2, and S.B. No. 2638, S.D. 2, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2820, S.D. 2, H.D. 2:

On motion by Senator Wakai, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2820, S.D. 2, and S.B. No. 2820, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2844, S.D. 2, H.D. 2:

On motion by Senator Rhoads, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2844, S.D. 2, and S.B. No. 2844, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2866, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2866, S.D. 2, and S.B. No. 2866, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND EMPLOYEE-BENEFICIARY MONTHLY CONTRIBUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2871, S.D. 2, H.D. 3:

On motion by Senator Baker, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by

the House to S.B. No. 2871, S.D. 2, and S.B. No. 2871, S.D. 2, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING TRUST FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2993, H.D. 2:

On motion by Senator Inouye, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2993, and S.B. No. 2993, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3103, S.D. 2, H.D. 2:

On motion by Senator Kidani, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3103, S.D. 2, and S.B. No. 3103, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SCHOOL FACILITIES AGENCY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3119, S.D. 1, H.D. 2:

On motion by Senator Rhoads, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3119, S.D. 1, and S.B. No. 3119, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3158, S.D. 1, H.D. 1:

On motion by Senator Inouye, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3158, S.D. 1, and S.B. No. 3158, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Dela Cruz, seconded by Senator Kahele and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2920, S.D. 1, and S.B. No. 2920, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2629, S.D. 2, H.D. 1:

On motion by Senator Kahele, seconded by Senator English and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2629, S.D. 2, and S.B. No. 2629, S.D. 2,

H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 199 to 201) were read by the Clerk and were disposed of as follows:

S.R. No. 199 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE THIRTIETH LEGISLATURE, REGULAR SESSION OF 2020, SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senator English.

On motion by Senator Kahele, seconded by Senator Fevella and carried, S.R. No. 199 was adopted.

S.R. No. 200 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senator English.

On motion by Senator Kahele, seconded by Senator Fevella and carried, S.R. No. 200 was adopted.

S.R. No. 201 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senator English.

On motion by Senator Kahele, seconded by Senator Fevella and carried, S.R. No. 201 was adopted.

At this time, Senator Thielen rose to speak on a point of personal privilege as follows:

"So, my fellow senators—it's going to be the last time I can say this in a regular session. I wasn't going to stand up and say anything, but I know how much you all **love** when I get up to talk, and I didn't want to deny you that privilege. But I know I'm the final thing standing in between you and lunch, so I will try to keep this short.

"I just wanted to say a thank you, and I want to begin with the Senate staff, the SMA, Sergeant-at-Arms, LRB, Communications office, and, most of all, the Senate Clerk's office. I want to thank all of you for the tremendous work that you do day in and day out. You are such a professional and committed staff, and it's been a real pleasure to serve with all of you. I have relied so much on your assistance and your help, and you've just been phenomenal. I've never had a better staff in any office that I've worked in, and you're wonderful, and the Senate is very, very lucky to have you, so thank you all.

"I also want to thank the staff in my office. I've been really fortunate over the years to have a number of wonderful young people that we've brought in as interns, session staff, and it's been a real treat to work with them and to help share with them the great training that's available here, and help them get used to the legislative process and to understand it so that they're not scared of it and that they will participate in it as they get older and as adults. But most deeply of all, I want to thank Jennifer Barra of my staff. She has been just instrumental; she's been with me for the last seven of the eight years that I served here and is just phenomenal and has done just a wonderful job at everything, and it's just been a real joy to watch her grow in her ability and in managing the other staff and in helping them. My time here would not have been the same without her.

"And then I want to thank you, my fellow senators. I think it's safe to say that we've had a tempestuous relationship, in

part because I ran for office because I was really angry at this body about some of the legislation that it passed, and I entered into this body more as an advocate than as a senator. I took a little bit of umbrage at the senator from Mō'ili'ili, his comments about advocates earlier—I don't think that that's actually accurate. I think there's a lot of great things about advocacy. But I came from a family with three brothers, I'm Irish, a strong feminist who grew up in the '70s, so I tend to be a little bit scrappy, and I know that it's been a rocky road a lot of times in working with many of you, and I want to thank you for your patience. I've always been a little bit of a square peg in a round hole here, and that's one of the reasons why I decided to leave; I want to go back out to do some other work. I don't know what that is going to be yet, but hopefully I'll be able to work with you again in the future in another capacity.

"But I did want you to know that, even while we tend to have disagreements, I spend a lot of time talking to other people outside this body so that they understand the value of the Legislature, because I understand it a lot better now that I've been here for eight years. A lot of times, people will come in and they'll talk about, you know, 'It's so political! The decision's so political!' And they're using it as a dirty word, but this branch is intended to be a check and balance. It was created because the founders of the country were worried that the executive would evolve into a king, and they didn't want a king making decisions, and so they came up with the idea of the representative democracy, where you would have bodies that were elected representatives geographically distributed around the community, and they would have to make decisions based upon a majority. And so the ideal is that check and balance on the executive is going to be bringing in wider opinions from across the state, from closer to the people, and it's going to have a requirement that there be a majority, that the majority of the people would be supportive of it. And I think it's important that when folks come on in here and complain about 'political,' is that in the ideal world, that's **exactly** what we're supposed to be. That's exactly the function of the legislative branch, and I appreciate all that I've learned from you folks going through this past eight years about that.

"I guess me being me, though, and always being a little bit scrappy, I can't walk away without just saying one other thing. Which is, we all know we don't live in an ideal world, and one of the senators earlier talked about this thing called the 'power creep.' We're in the middle of an epic time across our nation and our state, and I think, over the next two years, it's going to be really difficult and it's going to be important that this body remembers the importance of the legislative branch in the ideal term. A lot of times what we end up deciding here requires self-enforcement, and that means that we have to take the time to be empathetic with people. We have to take the time to listen to the complaints and, even when we don't agree with them. And if we decide to do something different, to take the time to explain why. We can't convince everybody. But right now in our country, the distrust of government is so phenomenally high that it's important for us to be able to get through this pandemic and this economic crisis is to help bring back that trust in government. That's going to mean that what you do (because I won't be here with you next year or beyond), that you take the time to make sure that you can help bring back that trust. And I was really heartened, Senate President, by the comments that there is a commitment in the Senate to try and open up testimony and participation through remote access next year because I think, as an island state, that's especially important. It's difficult even for people in my district or the farther reaches of O'ahu to get here sometimes, but for the neighbor island folks, it's well-nigh impossible. I think that openness and transparency, while sometimes it may make the immediate decision more difficult, is just so important to gaining that increased trust in government.

"So I will continue to try to help educate folks on the outside about the importance of the political branch of government, and thank you again for your time and your patience. It's been a pleasure."

The Chair then remarked:

"Before asking if there are other announcements, the Speaker and I, the majority leaders, and our heads of the Communication office have been in discussion this week to make sure that we adjourn in an appropriate fashion. Whoever finished first was going to come over in a small group to extend their best to the other chamber. We looked at people in the gallery and of course with the tradition of singing 'Hawai'i Aloha,' but as we read how community spread has occurred with larger groups and some of the singing and everything else, we couldn't find a way to get everybody in. I, unfortunately, was confident that the Senate would be hosting the House because they would be adjourning before this passionate body would have concluded our business, so I'd like to invite the Speaker, Majority Leader, I see the Vice Speaker, and I would like to yield the rostrum to either the Speaker or the Majority Leader, who wanted to extend their best wishes. As they walk up, I can only tell you, during these extraordinary times, the Speaker and I have been involved in numerous meetings, and we still want to assure the people of Hawai'i that we continue to work together, and our ability to work together to get through COVID-19 and all of its terrible effects it's been having on our community, our nation, and our world, that we are together."

The Chair then invited the Honorable Scott K. Saiki, Speaker of the House of Representatives, to address the members of the Senate from the rostrum.

Speaker Saiki remarked:

"On behalf of the House, I want to just thank the Senate for all of your work this year. I think that we did a lot, and it was a very challenging time for all of us, but I think it's made us all stronger. It's made the Legislature stronger and, as I informed the House today in closing remarks that, if we put our minds to it, we can do anything. So we look forward to working with you; I'm sure after sine die we'll be around for the next few months, and also looking forward to working with you next year. Thank you."

The President then addressed the members of the Senate as follows:

"A year ago, at sine die, I stood before you and said that it was the most difficult session I had ever confronted, and the challenges were incredible, and I'm not going to jinx next year by saying **this** was the most difficult and have them prove me wrong again. But what is incredibly important to me, and certainly what was hurtful, is the accusation that some of our actions, especially in the area of advise and consent, were politically motivated. It is no great secret that the Senate is comprised of varying blocs of votes that come together to try to work to govern. But when I stand up here in front of you and count the votes and look for the ayes and the noes, the reservations, there is no semblance of sense relative to the blocs of votes in the Senate as to how you cast your votes on advise and consent. But you each bring your individual passion to the task; you take advise and consent incredibly seriously, and understand that once we give that final approval that they will be entrusted with an incredible responsibility, and so I thought last year's was tough. This year's was as tough.

"I like Laura's thing about, you know, 'I'm sure you all were anxious to hear me speak,' but I try hard as the president to have a relationship with every one of the members so that I can understand what's important to you, where you come from, what you're trying to do. And last year at the end of session, I found that, not a relationship, but a friendship that I have with

Senator Nishihara was incredibly strained, and it was incredibly painful to be in that place because of advise and consent. But because we all so strongly believe in trying to do the best job we can, that is where all of that comes from, and, luckily, it is a strong friendship that has been healed and restored, and I am so grateful to have that back. But I'm grateful that each one of you brings your passion onto this floor, votes your conscience, and then walks out of the chamber to see where we can agree and collaborate to continue to move Hawai'i forward, because that's why we're all here. And it is tough to say no to some of the nominees because each nominee has taken a great risk by putting their name forward, putting their name in the public domain, and all with the intention of serving and doing what is best for Hawai'i, its people, and its land.

“With COVID-19, we've faced challenges that we've never faced before. I followed more members on social media, especially when I was in the 14-day quarantine, than I ever had before. I even started watching Facebook Live programs done by our members. Senator Keohokalole, one of my favorites—I even got invited to be on his show one night. And so it is hurtful when I read in social media that we're in recess, so why are you even getting paid, and these people are doing nothing. I saw nothing but incredible work that each and every one of you were doing in your communities: group Zoom meetings to be in touch with your constituents, food drives, assisting constituents with the backlog at the unemployment insurance, and then when we bring the gavel down today, that doesn't mean that our work is finished. Each and every one of you are going to go back into those communities and continue to do the work that you have been doing. Unfortunately, each and every one of us are going to continue to help our constituents to get through the unemployment insurance process because we still have too many of our constituents who have not gotten paid, food drives, and I am incredibly worried about what is going to happen after July 31st, when the \$600 a week unemployment insurance plus-up goes away. Now, Chair Dela Cruz and Chair Luke put together a great package. We were able to commit a hundred dollars a week until December 30th, \$500 a month or half of your rent, whatever is less, to assist those who are going to be challenged in paying those rents, helping retraining for unemployment. It has been incredible, hard work, and I have already seen the agenda posted for the COVID-19 committee, who intends to get back to work immediately next week, continuing to do the work, so I just want to let you know how much I admire the dedication and commitment from each member of this Senate.

“I want to really thank our staff. We have had several positive tests here, but through good practices and making sure that we did have the face masks, that we were washing hands, that we were practicing social distance, none of them led to spread beyond the one individual, but our employees continue to come to work to perform the essential services that are so important for us to get our job done so that we can serve the people of Hawai'i. I'd like to thank the National Guard, who has assisted us and worked with our Sergeant-at-Arms staff here and the House Sergeant-at-Arms to continue to try to make the capitol a safe place for essential workers to report to and do their work and get the job done.

“To both Senators Thielen and Ruderman: You have made the job incredibly interesting. You are the definition of what 'challenging environment at the workplace' is, where no statement goes unchecked, but it makes each and every one of us better because you know you cannot perform at anything less than your best because everybody else comes here with their best efforts, and so I look forward to seeing all of you. We will be back, we project, in September to confirm judges, so while this is our last regular session, we will have another opportunity or two to be back together, so stay safe, take care of yourselves, all of my best to you and your families. And certainly to the late

Senator Harimoto and his family, our thoughts are still with you, but as in birth and new life, we welcome Senator Misalucha to our chambers to continue to do the work of the late Senator Harimoto's district.”

ADJOURNMENT

Senator Kahele moved that the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, adjourn Sine Die, seconded by Senator Fevella and carried.

At 2:13 p.m., the President rapped his gavel and declared the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, adjourned Sine Die.