

FIFTY-SECOND DAY

Wednesday, July 8, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 12:43 p.m. with the President in the Chair.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 866 to 867 and 1103 to 1105) were read by the Clerk and were placed on file:

Gov. Msg. No. 866, informing the Senate that on July 7, 2020, the Governor withdrew the nomination of MICHELLE NALANI KAINA to the Tax Review Commission, under Gov. Msg. No. 840, from consideration by the Senate.

In compliance with Gov. Msg. No. 866, the nomination listed under Gov. Msg. No. 840 was returned.

Gov. Msg. No. 867, informing the Senate that on July 7, 2020, the Governor withdrew the nomination of LEE SHINSATO to the Correctional Industries Advisory Committee, under Gov. Msg. No. 849, from consideration by the Senate.

In compliance with Gov. Msg. No. 867, the nomination listed under Gov. Msg. No. 849 was returned.

Gov. Msg. No. 1103, informing the Senate that on July 6, 2020, the Governor signed into law House Bill No. 117, S.D. 1 as Act 2, entitled: "RELATING TO STATE FUNDS."

Gov. Msg. No. 1104, informing the Senate that on July 6, 2020, the Governor signed into law House Bill No. 2500, S.D. 1 as Act 3, entitled: "RELATING TO THE STATE BUDGET."

Gov. Msg. No. 1105, informing the Senate that on July 6, 2020, the Governor signed into law Senate Bill No. 3139, S.D. 1, H.D. 1 as Act 4, entitled: "RELATING TO THE STATE BUDGET," noting a line item veto on page 5, line 6, reducing the \$432,000,605 appropriation to \$0.

The Chair then directed the Clerk to take Third Reading out of order.

THIRD READING

H.B. No. 1805, H.D. 1, S.D. 2:

On motion by Senator Baker, seconded by Senator Nishihara and carried, H.B. No. 1805, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none.

H.B. No. 1819, H.D. 2, S.D. 3:

Senator Gabbard moved that H.B. No. 1819, H.D. 2, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Rhoads.

Senator Gabbard 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 Gabbard's remarks read as follows:

"Mr. President, I rise in strong support of H.B. 1819, H.D. 2, S.D. 3.

"Before getting into my comments on this legislation, I'd like to share the history of hemp in Hawai'i. Locally, in 1999, Act 305 (H.B. 32 introduced by Rep. Jerry Chang) was enacted in Hawai'i to allow privately-funded industrial hemp research that lasted three years. Hemp shampoo maker Alterna Professional Hair Care Products funded the project with a \$200,000 grant. The hemp was grown on a small plot in Wahiawā and they found the Chinese variety of hemp seed best for Hawai'i. Gov. Cayetano declared Dec. 14, 1999 as Industrial Hemp Day and marked Hawai'i as the first U.S. state to plant industrial hemp seeds since WWII.

"Then government fell asleep, as it tends to do sometimes. Fifteen years passed, and fortunately, in 2014 the federal Farm Bill included a provision to allow the growing of industrial hemp for research purposes as long as it's connected to a university or Dept. of Agriculture. A dear friend of mine, John Rogers, who recently died from terminal cancer, asked if I would look into hemp as possible legislation for the 2014 session. Not knowing anything about hemp, my research began with viewing a wonderful documentary, 'Bringing it Home' which I highly recommend. So I introduced S.B. 2175 in 2014, which was signed into law as Act 56. Act 56 authorized UH's CTAHR to establish a two-year hemp study. I must admit I was a bit disappointed. I thought, 'Enough already...we already did the study in 1999...let's grow this NOW.' Then, it became a bureaucratic nightmare dealing with the federal DEA...it took 11 months to get the seeds here for the study. Nevertheless, on April 10, 2015, I patiently joined Dr. Harry Ako from UH for the hemp seed planting at their test plot in Waimānalo. A few months later, on July 23, 2015, I was invited to participate in the harvest. I was shocked when I arrived to see Dr. Ako standing beside hemp plants that were over 10 ft. tall, with some in the 12-14 foot range. Dr. Ako was a skeptic at the beginning of the project. He looked at me and said, 'Senator, we've got to grow hemp in Hawai'i.' In Dec. 2015, CTAHR's official hemp research report was presented to the Legislature, concluding that and I quote, 'Hemp seed production may become a lucrative activity for farmers. There is significant potential for a successful hemp agricultural industry in Hawai'i based on the preliminary findings of the 2015 Industrial Hemp Research Project.'

"In 2016, I introduced S.B. 2659, Act 228, establishing a five-year industrial hemp pilot program under the DOA allowing the cultivation of industrial hemp for agriculture and academic research, which includes the commercial sale of hemp for marketing and industry development. On May 5, 2016, I was on Maui to celebrate Hemp History week and the viewing of the hemp house of former NBA player and coach Don Nelson—800 sq. ft. (Guest/Ohana House) and 4,000 sq. ft. (main house). The houses were made with hemperete...breathable, extremely sturdy, and mildew-free. At the banquet that evening, I was honored to receive a surprise award as the '2016 Hempster of the Year' from the Maui Hemp Institute of Research and Innovation.

"Then, in 2017 we passed, S.B. 773, Act 199, a bill I authored which improves the existing industrial hemp pilot program law by allowing farmers to apply for hemp licenses year round instead of just from January to April, requiring the counties to recognize the cultivation of industrial hemp, limiting the cultivation of hemp to licensees on agricultural lands, and

repealing the requirement of having to get a movement permit to transport hemp plants or material.

"In 2018, S.B. 2556 passed which completed the creation of our hemp pilot program by establishing a Special Fund, where the licensing fees and potential fines can be deposited for the program's operation. DOA could use the monies for the program's operations and to hire employees, specialists, and consultants. S.B. 2556 was signed into law by Governor Ige as Act 59 on June 27, 2018.

"In 2019, I introduced our commercial hemp bill, S.B. 1353. The House insisted on amending the bill to their liking. When I ran their changes by the HDOA, I was told the Attorney General had major issues with the amended version, and would recommend a veto by the Governor. I unsuccessfully tried numerous times to convince House members to stick with the Senate version, but they refused. In conference, I reluctantly signed on to the bill, hoping the Governor would not veto. He did veto it and his reasoning was: 'There are concerns that this bill creates a licensing structure that cannot be enforced, will not meet USDA requirements for an approved industrial hemp program, and creates practical problems in the enforcement of existing medical cannabis. Although the 2018 Farm Bill removes hemp from the controlled substances list, there are restrictions in S.B.1353 that would prevent Hawai'i from properly regulating this industry. Hawai'i's unique tropical environment and year-round growth calendar allows between three to four crop cycles per year. While this is a positive for most crops, the fine line between hemp and marijuana creates complexities. The limitation of inspection to one time per calendar year would allow hemp growers to cultivate marijuana for the remainder of the calendar year following their one allowed inspection.' Even with the veto, we still had our pilot hemp research program under the state HDOA. Farmers could continue growing up to 10 acres of hemp under the pilot. Right now, we have 50 licensees.

"Now back to H.B. 1819. This is the commercial hemp program bill that has the possibility of helping grow a new industry in our state. This is especially needed given the dramatic negative impacts the COVID-19 pandemic has had on our local economy. Once we got the directive from the Senate President that we weren't going to have any money to set up a state based commercial hemp program, it was clear we were going to have to be creative. I requested that HDOA put together a new draft for H.B. 1819 which would set up a USDA direct program, which would allow hemp farmers to apply directly to the federal USDA to get their licenses, instead of going with a state hemp program under HDOA which requires staffing and resources. HDOA brought together a hui of their department, Department of Health, and Public Safety with input from the AG's Office. It took them about one month to provide a proposed draft of the hemp bill. During the AEN/CPH and the JDC/WAM hearings, there was a lot of testimony and discussion about the impacts that the buffer zones in the bill would have on existing hemp farmers. There was also input from Kula residents who brought up concerns related to noise and smells from a nearby hemp farmer. We were trying to balance the concerns of existing hemp farmers about buffer zones with those of neighbors who live by the hemp farm in Kula. JDC/WAM amended the bill based on input from the House to exempt the 50 farmers who currently have licenses to grow hemp under the current pilot hemp program from the 500 ft. buffer zones around residences, playgrounds, childcare facilities, and schools. We passed a floor amendment on Monday to tighten up the grandfathering language even more. This will make it so those existing farmers aren't negatively impacted. JDC/WAM also required HDOA to come up with Administrative Rules by September 30, 2020 to address noise, smell, and lighting concerns from residences near hemp farms. Given our economic downturn amid the COVID-19 pandemic,

H.B. 1819 can definitely be seen as a bright spot of our session. It will allow our farmers to apply for licenses with the USDA to grow, process, and sell hemp products. Hemp is an amazing crop that can create over 25,000 incredible products. The key is developing a cottage industry with Hawai'i branding that will set us apart from the global competition. I'm hopeful hemp will help stimulate our economy and create opportunities amid our COVID-19 pandemic. Hemp, hemp, hooray!"

Senator Thielen rose to speak in support of the measure with reservations as follows:

"I support the creation of a robust hemp program in Hawai'i; I would like to just see hemp legalized. That said, I do want to express reservations because this bill includes buffer zones, which I think is a dangerous precedent to set in the agricultural district. We have a right-to-farm law, and what that means is that farmers on agricultural lands are allowed to farm, which sometimes can be noisy and smelly and messy and dusty, and people who are living in either fake farm residential subdivisions or adjacent residential subdivisions are often complaining. So I hate to see us opening the door to creating buffer zones because it's going to make farming practically impossible in my district, in Waimānalo, where the lots tend to be fairly small. This bill does have a sunset period. So while I will not be in the Legislature in two years when it does sunset, I'm hoping that if there is a continuation of the hemp program, that this legislature eliminates the buffer zone requirement and instead moves forward with maybe some more practical rules adopted by the Department of Agriculture. Thank you."

The motion was put by the Chair and carried, H.B. No. 1819, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HEMP," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Ihara, Nishihara, and Thielen). Noes, none.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 384 to 416) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 384, informing the Senate that on July 6, 2020, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1706, H.D. 1 (S.D. 1);
H.B. No. 1854, H.D. 1 (S.D. 1);
H.B. No. 2060, H.D. 1 (S.D. 1);
H.B. No. 2125, H.D. 2 (S.D. 1);
H.B. No. 2177, H.D. 1 (S.D. 1); and
H.B. No. 2744, H.D. 1 (S.D. 2),

was placed on file.

Hse. Com. No. 385, informing the Senate that on July 6, 2020, H.B. No. 285, H.D. 1, S.D. 2, C.D. 1 passed Final Reading in the House of Representatives, was placed on file.

Hse. Com. No. 386, transmitting H.C.R. No. 26, which was adopted by the House of Representatives on July 6, 2020, was placed on file.

By unanimous consent, 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 placed on the calendar for Adoption on Friday, July 10, 2020.

Hse. Com. No. 387, transmitting H.C.R. No. 147, which was adopted by the House of Representatives on July 6, 2020, was placed on file.

By unanimous consent, 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 placed on the calendar for Adoption on Friday, July 10, 2020.

Hse. Com. No. 388, returning S.B. No. 2060, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Gabbard moved that the Senate agree to the amendments proposed by the House to S.B. No. 2060, S.D. 2, seconded by Senator Kahele.

Senator Gabbard noted:

"Mr. President, the House amendments are reasonable and appropriate to improve our overall resiliency to climate change. Their amendments will, number one, require coastal-dependent development to consider the effects of coastal hazards and to plan and locate facilities to minimize exposure to coastal hazards; number two, strengthen the protection of coastal areas by prohibiting shoreline structures in areas with sandy beaches unless the granting of a variance is clearly in the public interest; and number three, repurpose the definition of development in special management areas to regulate uses or activities that result in cumulative environmental effects or significant environmental or ecological effects."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 389, returning S.B. No. 2130, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Nishihara moved that the Senate agree to the amendments proposed by the House to S.B. No. 2130, S.D. 1, seconded by Senator Kahele.

Senator Nishihara noted:

"We'd like to move to agree to the amendments made to Senate Bill 2130 by the House to simply clarify the State Fire Council's exemption from the Hawaii Administrative Procedures Act when adopting the State Fire Code, and some technical and nonsubstantive amendments."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 390, returning S.B. No. 2139, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Thielen moved that the Senate agree to the amendments proposed by the House to S.B. No. 2139, seconded by Senator Kahele.

Senator Thielen noted:

"Thank you, Mr. President. The House amendments basically set a cap on the number of days after the close of filing on which a candidate may withdraw from office, and then it makes it retroactive to conform with federal law and makes some technical, nonsubstantive amendments, and I think these are improvements to the bill and recommend that we accept."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2139, and S.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 391, returning S.B. No. 2185, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Rhoads moved that the Senate agree to the amendments proposed by the House to S.B. No. 2185, seconded by Senator Kahele.

Senator Rhoads noted:

"The House has added a section on restricting government use of facial recognition technology. Considering the disruptions that we have undergone because of the pandemic, I believe this is a reasonable amendment and recommend that we accept it."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2185, and S.B. No. 2185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY," was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 392, returning S.B. No. 2193, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2193, seconded by Senator Kahele.

Senator Taniguchi noted:

"Thank you, Mr. President. Senate Bill 2193, H.D. 2 amends HRS Section 378-2.5, which limits when convictions may be used in employment decisions. Currently, all convictions may be used in the most recent 10 years. The amendments would change the use of felony convictions to those that occurred in the most recent seven years and misdemeanor convictions that occurred in the most recent five years."

"Senate Bill 2193, H.D. 2 reflects the agreement reached between the relevant House and Senate committees, and would be effective upon approval."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 393, returning S.B. No. 2206, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

By unanimous consent, action on S.B. No. 2206, S.D. 2 (H.D. 2), entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," was deferred until Friday, July 10, 2020.

Hse. Com. No. 394, returning S.B. No. 2262, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

At 1:03 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:04 p.m.

Senator Kidani moved that the Senate agree to the amendments proposed by the House to S.B. No. 2262, S.D. 1, seconded by Senator Kahele.

Senator Kidani noted:

“Senate Bill 2262 offers private school teachers a voluntary pathway to teacher licensure. This bill also gives the Hawai‘i Teacher Standards Board the authority to extend the period of time an emergency hire teacher will have to obtain their teacher license in the event of a declared emergency.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 395, returning S.B. No. 2275, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2275, S.D. 2, seconded by Senator Kahele.

Senator Baker noted:

“The House made an amendment that certainly addressed one of the testifier’s concern that the use of the phrase ‘outside the United States’ was too broad, and we specify in this bill now what ‘outside of the United States’ means—basically, banks located in the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau. We also note that the House inserted an effective date of January 1, 2021, to allow these amendments to be put into effect by notaries public.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 396, returning S.B. No. 2329, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

On motion by Senator Inouye, seconded by Senator Kahele and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2329, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 397, returning S.B. No. 2384, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2384, S.D. 2, seconded by Senator Kahele.

Senator Inouye noted:

“The Senate Committee on Transportation moves to agree to the changes made in the House. These changes include ‘deleting language that would require certain tow operators to provide to a disabled vehicle’s driver a written disclosure of certain

information and itemization of charges before attaching a disabled vehicle to the tow truck under certain circumstances.’ These changes are acceptable to both myself and the introducer of the bill.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 398, returning S.B. No. 2386, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Kahele moved that the Senate agree to the amendments proposed by the House to S.B. No. 2386, S.D. 2, seconded by Senator English.

Senator Kahele noted:

“The purpose is to prohibit any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. This bill requires no less than a one-half mile buffer zone around residences, schools, and hospitals for the construction, modification, or expansion of a waste or disposal facility, and it specifies that ‘waste or disposal facility’ excludes individual, state-certified, non-industrial redemption centers. This measure was amended in the House by making inapplicable to federal agencies the prohibition on construction, operation, modification, expansion, or closure of a municipal solid waste landfill unit without first obtaining a permit from the director of health; number two, making inapplicable to federal agencies the prohibition on construction, modification, or expansion of a waste or disposal facility or construction and demolition landfill unit without a one-half mile buffer zone around residences, schools, and hospitals; making it effective upon approval; and making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style. The recommendation is to agree to Senate Bill 2386, Senate Draft 2, House Draft 2, sent over from the House.”

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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 399, returning S.B. No. 2421, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2421, S.D. 1, seconded by Senator Kahele.

Senator Baker noted:

“The H.D. 1 inserted a retroactive effective date of June 29, 2020, as we thought that would have been appropriate and, on getting a legal check, it’s still a fine date, so the bill is clean, and we support everything that’s in that measure that came out of the Senate.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 400, returning S.B. No. 2486, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Kidani moved that the Senate agree to the amendments proposed by the House to S.B. No. 2486, S.D. 1, seconded by Senator Kahele.

Senator Kidani noted:

“Senate Bill 2486 requires the Department of Education to collect and report data on the suspension and expulsion rates of students by specific demographic breakout groups. This is an important step to ensuring that all of our students, regardless of who they are, have equitable access to education.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 401, returning S.B. No. 2523, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Nishihara moved that the Senate agree to the amendments proposed by the House to S.B. No. 2523, S.D. 1, seconded by Senator Kahele.

Senator Nishihara noted:

“Mr. President, for S.B. 2523, your Committee on Public Safety, Intergovernmental, and Military Affairs has agreed to adopt the proposed H.D. 2 as proposed by the House Finance committee, which would require the Department of Public Safety to expend certain appropriate funds during fiscal year 2020 and '21 solely for the community-based work furlough program for female inmates. This bill will save a great program at Fernhurst and all that they do to give women a second chance.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 402, returning S.B. No. 2561, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

On motion by Senator Wakai, seconded by Senator Kahele and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2561, and requested a conference on the subject matter thereof.

Hse. Com. No. 403, returning S.B. No. 2612, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Rhoads moved that the Senate agree to the amendments proposed by the House to S.B. No. 2612, S.D. 1, seconded by Senator Kahele.

Senator Rhoads noted:

“The penalties were made somewhat more stringent by the House, and I think those are reasonable amendments as well.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 404, returning S.B. No. 2638, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Nishihara moved that the Senate agree to the amendments proposed by the House to S.B. No. 2638, S.D. 2, seconded by Senator Kahele.

Senator Nishihara noted:

“The committee has agreed to amendments made to this Senate Bill 2638 by the House Judiciary and Finance committees. These amendments include:

1. Removing the language that would have included coercive control under the petty misdemeanor offense of abuse of a family member or household member;
2. Requiring courts who grant a motion for deferred acceptance of guilty plea to require offenders to complete domestic violence intervention programs or parenting classes, if applicable;
3. Removing language that would have enabled the person charged with a misdemeanor or petty misdemeanor offense of abuse of a family member or household member to plead no contest;
4. Clarifying the court authorization to accept deferred acceptance of guilty pleas applies only if the defendant has no prior conviction or has not been granted a deferred acceptance of guilty plea for any offense of abuse of family or household member charged in the family court, regardless of the final plea;
5. Standardizing types of documents accepted as proof of domestic or sexual violence victim status;
6. Specifying that certified or exemplified restraining orders, rather than valid restraining orders and records or files of a court or government agency, are documents that will be accepted as proof of domestic or sexual violence victim status;
7. Allowing courts to impose a one-year probationary period for a petty misdemeanor of abuse of a family or household member, to ensure that defendants placed on probation will have sufficient time to complete mandatory terms imposed by the courts and that the probationary time is equal to that of the defendants placed on a period of deferral;
8. Changing the effective date to January 1, 2021; and
9. Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 405, returning S.B. No. 2820, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Wakai moved that the Senate agree to the amendments proposed by the House to S.B. No. 2820, S.D. 2, seconded by Senator Kahele.

Senator Wakai noted:

“This bill simply provides a grandfather clause for utility-scale renewable projects that were given power purchase agreements prior to 2019.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 406, returning S.B. No. 2844, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Rhoads moved that the Senate agree to the amendments proposed by the House to S.B. No. 2844, S.D. 2, seconded by Senator Kahele.

Senator Rhoads noted:

“The House added appropriations for settlements in courts, court-ordered payments of claims as requested by the attorney general that came to fruition after it had passed over to the House.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 407, returning S.B. No. 2866, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2866, S.D. 2, seconded by Senator Kahele.

Senator Taniguchi noted:

“Senate Bill 2866, Senate Draft 2, House Draft 2 amends HRS Sections 87A-40 and 88-95. The measure requires newly retired employees and surviving employee-beneficiaries to pay their share of the health benefit premium through monthly electronic deductions from their employees’ retirement system pension or their financial institution.

“S.B. 2866, S.D. 2, H.D. 2 reflects the agreement reached by the relevant House and Senate committees, and would be effective upon approval.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 408, returning S.B. No. 2871, S.D. 2, as amended in H.D. 3, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2871, S.D. 2, seconded by Senator Kahele.

Senator Baker noted:

“This measure clarifies the House amendments that this particular version of the licensing trust fund language supersedes any contrary amendments made to various recovery and education funds by Act 29, Session Laws of Hawaii, in 2019, and made some other technical, nonsubstantive amendments, such as making the funds on a biennial basis rather than on a biannual basis and changing the effective date so that it is retroactive to July 1, 2020. Having our legal eagles look at it, these amendments from that standpoint are acceptable as are the substantive amendments made by these measures, and I ask my colleagues to support.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 409, returning S.B. No. 2893, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

By unanimous consent, action on S.B. No. 2893, S.D. 1 (H.D. 2), entitled: “A BILL FOR AN ACT RELATING TO CHRONICALLY HOMELESS,” was deferred until Friday, July 10, 2020.

Hse. Com. No. 410, returning S.B. No. 2894, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

By unanimous consent, action on S.B. No. 2894, S.D. 1 (H.D. 2), entitled: “A BILL FOR AN ACT RELATING TO CHILD CARE,” was deferred until Friday, July 10, 2020.

Hse. Com. No. 411, returning S.B. No. 2940, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

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 until Friday, July 10, 2020.

Hse. Com. No. 412, returning S.B. No. 2993, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 2993, seconded by Senator Kahele.

Senator Inouye noted:

“The Committee on Transportation moves to agree to the changes made in the House. The change reflects an effective date of September 1, 2020.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 413, returning S.B. No. 3103, S.D. 2, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Kidani moved that the Senate agree to the amendments proposed by the House to S.B. No. 3103, S.D. 2, seconded by Senator Kahele.

Senator Kidani noted:

“Senate Bill 3103, H.D. 2 establishes a school facilities agency that will be in charge of all future school construction, major renovations, and school redevelopment projects. This is a long time coming and is a first step to ensuring that our students have the best possible learning environments that our state can afford them. Thank you, 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. 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 414, returning S.B. No. 3117, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

By unanimous consent, action on S.B. No. 3117, S.D. 1 (H.D. 2), entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” was deferred until Friday, July 10, 2020.

Hse. Com. No. 415, returning S.B. No. 3119, S.D. 1, as amended in H.D. 2, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Rhoads moved that the Senate agree to the amendments proposed by the House to S.B. No. 3119, S.D. 1, seconded by Senator Kahele.

Senator Rhoads noted:

“Minor technical amendments were made.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

Hse. Com. No. 416, returning S.B. No. 3158, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on July 6, 2020, was placed on file.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 3158, S.D. 1, seconded by Senator Kahele.

Senator Inouye noted:

“The Committee on Transportation moves to agree to the changes made in the House. The changes reflect an amendment suggested by the prosecuting attorney’s office to ensure consistency in the definitions in statute by changing the definitions of ‘motor vehicle’ to ‘air-bag-required motor vehicle.’ Thank you, 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. 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3794) recommending that the Senate advise and consent to the

nominations to the King Kamehameha Celebration Commission of the following:

JERALD KEAULANA, in accordance with Gov. Msg. No. 809;

JAMIE WHITTLE-WAGNER, in accordance with Gov. Msg. No. 810; and

JESSIE SILVA-DUCARROY, in accordance with Gov. Msg. No. 811.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3794 and Gov. Msg. Nos. 809, 810, and 811 was deferred until Friday, July 10, 2020.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3795) recommending that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

JON-PAUL BINGHAM, in accordance with Gov. Msg. No. 815; and

TAMMY MURRAY, in accordance with Gov. Msg. No. 816.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3795 and Gov. Msg. Nos. 815 and 816 was deferred until Friday, July 10, 2020.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3796) recommending that the Senate advise and consent to the nomination of VINCENT MINA to the Board of Agriculture, in accordance with Gov. Msg. No. 817.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3796 and Gov. Msg. No. 817 was deferred until Friday, July 10, 2020.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 3797) recommending that the Senate advise and consent to the nominations to the Environmental Council of the following:

ROY ABE, in accordance with Gov. Msg. No. 827;

IAN KAYE, in accordance with Gov. Msg. No. 828;

MICHAEL TULANG, in accordance with Gov. Msg. No. 829; and

PUANANIONAONA THOENE, in accordance with Gov. Msg. No. 830.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3797 and Gov. Msg. Nos. 827, 828, 829, and 830 was deferred until Friday, July 10, 2020.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3798) recommending that the Senate advise and consent to the nominations to the Commission on Fatherhood of the following:

CHAD HASEGAWA, in accordance with Gov. Msg. No. 823;

ALLEN CARDINES, JR., in accordance with Gov. Msg. No. 824;

ANTHONY MENDEZ, in accordance with Gov. Msg. No. 846;

RICKY KANG, in accordance with Gov. Msg. No. 847; and

DAVID LUNCEFORD, in accordance with Gov. Msg. No. 848.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3798 and Gov. Msg. Nos. 823, 824, 846, 847, and 848 was deferred until Friday, July 10, 2020.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3799) recommending that the Senate advise and consent to the nominations to the Defender Council of the following:

STANTON OSHIRO, in accordance with Gov. Msg. No. 818; and

SETSUKE GORMLEY, in accordance with Gov. Msg. No. 819.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3799 and Gov. Msg. Nos. 818 and 819 was deferred until Friday, July 10, 2020.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3800) recommending that the Senate advise and consent to the nomination of JEFFREY KALUHIWA to the Kane'ohe Bay Regional Council, in accordance with Gov. Msg. No. 836.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3800 and Gov. Msg. No. 836 was deferred until Friday, July 10, 2020.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3801) recommending that the Senate advise and consent to the nominations to the Natural Area Reserves System Commission of the following:

JAY PENNIMAN, in accordance with Gov. Msg. No. 837;

ARTI CLARK, in accordance with Gov. Msg. No. 838; and

DONALD DRAKE, in accordance with Gov. Msg. No. 839.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3801 and Gov. Msg. Nos. 837, 838, and 839 was deferred until Friday, July 10, 2020.

Senator Shimabukuro, for the majority of the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3802) recommending that the Senate advise and consent to the nomination of MICHAEL KALEIKINI to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 621.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3802 and Gov. Msg. No. 621 was deferred until Friday, July 10, 2020.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3803) recommending that the Senate advise and consent to the nomination of DOREEN NAKAMURA to the Center for Nursing Advisory Board, in accordance with Gov. Msg. No. 841.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3803 and Gov. Msg. No. 841 was deferred until Friday, July 10, 2020.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3804) recommending that the Senate advise and consent to the nomination of NADINE NISHIOKA to the Hawai'i Commission for National and Community Service, in accordance with Gov. Msg. No. 842.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3804 and Gov. Msg. No. 842 was deferred until Friday, July 10, 2020.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3805) recommending

that the Senate advise and consent to the nomination of PERRY ARRASMITH to the Hawai'i Commission for National and Community Service, in accordance with Gov. Msg. No. 843.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3805 and Gov. Msg. No. 843 was deferred until Friday, July 10, 2020.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3806) recommending that the Senate advise and consent to the nomination of ERNEST WILSON to the Board of Regents of the University of Hawai'i, in accordance with Gov. Msg. No. 844.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3806 and Gov. Msg. No. 844 was deferred until Friday, July 10, 2020.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 3807) recommending that the Senate advise and consent to the nomination of KELII ACOPAN (first name amended to KELLI by Gov. Msg. No. 855) to the Board of Regents of the University of Hawai'i, in accordance with Gov. Msg. No. 845.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3807 and Gov. Msg. No. 845 was deferred until Friday, July 10, 2020.

Senator Dela Cruz, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3808) returning the nomination of CRAIG K. HIRAI as Director of Finance for the Department of Budget and Finance, in accordance with Gov. Msg. No. 502, to the full Senate for consideration in accordance with Senate Rule 37(5).

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3808 and Gov. Msg. No. 502 was deferred until Friday, July 10, 2020.

Senator Dela Cruz, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3809) returning the nomination of RONA M. SUZUKI as Director, Department of Taxation, in accordance with Gov. Msg. No. 503, to the full Senate for consideration in accordance with Senate Rule 37(5).

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3809 and Gov. Msg. No. 503 was deferred until Friday, July 10, 2020.

STANDING COMMITTEE REPORTS AND ADOPTION OF RESOLUTIONS

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3810) recommending that S.C.R. No. 25, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 25, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-033 KUAHELANI AVENUE, NO. 133, MILILANI, HAWAII," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3811) recommending that S.C.R. No. 26, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 26, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 94-942 MEHEULA PARKWAY, NO. 244, MILILANI, HAWAII," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3812) recommending that S.C.R. No. 29, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 29, S.D. 1, entitled: "SENATE 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.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3813) recommending that S.C.R. No. 30 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 30, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3814) recommending that S.C.R. No. 31 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 31, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3815) recommending that S.C.R. No. 33 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 33, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA, WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3816) recommending that S.C.R. No. 34 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 34, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA HOMESTEADS, KIHAI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR USE, REPAIR, AND

MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3817) recommending that S.C.R. No. 35 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 35, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA HOMESTEADS AND BEACH LOTS, KIHAI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3818) recommending that S.C.R. No. 141 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS FOR A RUBBLE ROCK REVETMENT, ROCK WALL, AND TWO CONCRETE STAIRWAYS, AND FOR USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3819) recommending that S.C.R. No. 32 be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 32, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT NAPII 2 AND 3, LAHAINA, MAUI, FOR AN EXISTING WALKWAY, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3820) recommending that S.C.R. No. 24, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.C.R. No. 24, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-613 INOAOLE STREET, WAIMANALO, HAWAII," was adopted.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3821) recommending that S.R. No. 190, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 190, S.D. 1, entitled: "SENATE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO EXPEDITE THE DISPOSITION OF THE LONG-TERM WATER RIGHTS LEASES FOR HAWAIIAN ELECTRIC'S NON-CONSUMPTIVE WATER USE ALONG THE WAILUKU RIVER," was adopted.

Senators Wakai and Dela Cruz, for the Committee on Energy, Economic Development, and Tourism and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3822) recommending that S.R. No. 78, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.R. No. 78, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK IN CONJUNCTION WITH THE LEGISLATURE TO CREATE ONE HUNDRED THOUSAND PERMANENT JOBS IN THE STATE BY 2022," was adopted.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3823) recommending that S.R. No. 83, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 83, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO CONVENE A TASK FORCE TO REVIEW THE FUNCTIONS AND OPERATIONS OF THE STATE GOVERNMENT AND IDENTIFY, AND MAKE RECOMMENDATIONS REGARDING, ANY FUNCTIONS OR OPERATIONS THAT CAN BE MODIFIED IN A COST-EFFECTIVE MANNER TO MEET THE CHANGING NEEDS OF THE PUBLIC," was adopted.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3824) recommending that S.R. No. 129, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 129, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONDUCT AN ANALYSIS AND PROVIDE DATA ON THE NUMBER OF DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARIES WHO HAVE APPLIED FOR AND NEED HOUSING IN EACH COUNTY, BY INCOME CLASSIFICATION AND UNIT TYPE," was adopted.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3825) recommending that S.R. No. 130, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 130, S.D. 1, entitled: "SENATE RESOLUTION URGING THE HAWAIIAN HOMES COMMISSION TO IMPROVE ACCESS TO HAWAIIAN HOME LANDS AND OTHER TRUST ASSETS TO ITS NATIVE HAWAIIAN BENEFICIARIES," was adopted.

Senator Inouye, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 3826) recommending that S.R. No. 125, as amended in S.D. 1, be adopted.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.R. No. 125, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDING TO WATER CARRIERS FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO MAINTAIN ROUTES AND LINES OF SERVICES WITHIN THE STATE AND TO CONVENE A WORKING GROUP TO RECOMMEND MID- AND LONG-TERM SOLUTIONS TO

ENSURE CONTINUOUS WATER CARRIER SERVICE THROUGHOUT THE STATE," was adopted.

STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 3827) recommending that the Senate not advise and consent to the nomination of DAMIEN ELEFANTE to the Labor and Industrial Relations Appeals Board, in accordance with Gov. Msg. No. 751.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3827 and Gov. Msg. No. 751 was deferred until Friday, July 10, 2020.

Senator Kahele, for the majority of the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3828) recommending that the Senate not advise and consent to the nomination of CHRISTOPHER YUEN to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 583.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3828 and Gov. Msg. No. 583 was deferred until Friday, July 10, 2020.

At 1:16 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:17 p.m.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM MONDAY, JULY 6, 2020

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

Senator Dela Cruz moved that the Senate agree to the amendments proposed by the House to S.B. No. 2920, S.D. 1, seconded by Senator Kahele.

Senator Dela Cruz noted:

"This conformity measure is provided by DOTAX annually. It complies with sections of the HRS which require the department to submit a bill each session to maintain state income tax conformity with federal IRS code."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Friday, July 10, 2020.

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

Senator Kahele moved that the Senate agree to the amendments proposed by the House to S.B. No. 2629, S.D. 2, seconded by Senator English.

Senator Kahele noted:

"Colleagues, Senate Bill 2629, Senate Draft 2, House Draft 1's purpose is to ensure that the use of coal in Hawai'i for electricity production is eliminated by, one, prohibiting the Public Utilities Commission from approving, after June 30, 2020, a new, modified, or renewed power purchase agreement for electricity generated from coal; and two, prohibiting the Department of Health from issuing or renewing, after December 31, 2022, covered source air permits for coal-burning electricity generation facilities. This measure was amended by the House by, one, specifying that the PUC prohibition on approving a modification of a power purchase agreement applies to coal power purchase agreements that extend the term

or increase the amount of generation allowed to be produced under the existing agreement; and it makes this measure effective upon approval. I move to agree to Senate Bill 2629, Senate Draft 2, House Draft 1, sent over from the House.”

The motion was put by the Chair 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,” was placed on the calendar for Final Reading on Friday, July 10, 2020.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3790 (Gov. Msg. Nos. 852, 853, and 854):

Senator Baker moved that Stand. Com. Rep. No. 3790 be received and placed on file, seconded by Senator Chang and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

DEBORAH KOBAYAKAWA, term to expire June 30, 2023 (Gov. Msg. No. 852);

RENEE MANFREDI, term to expire June 30, 2024 (Gov. Msg. No. 853); and

ROBERT WHITAKER, term to expire June 30, 2024 (Gov. Msg. No. 854),

seconded by Senator Chang.

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

“Your committee heard these governor’s messages, found that the nominees were well-qualified to serve, and I ask my colleagues to support them.”

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

Ayes, 22. Noes, none. Excused, 2 (English, Keith-Agaran).

Stand. Com. Rep. No. 3791 (Gov. Msg. Nos. 812, 813, and 814):

Senator Wakai moved that Stand. Com. Rep. No. 3791 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Wakai then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

KAU’I BURGESS, term to expire June 30, 2024 (Gov. Msg. No. 812);

ERIC FUJIMOTO, term to expire June 30, 2024 (Gov. Msg. No. 813); and

JOHN FINK, term to expire June 30, 2024 (Gov. Msg. No. 814),

seconded by Senator Taniguchi.

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

Ayes, 22. Noes, none. Excused, 2 (English, Keith-Agaran).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, JULY 6, 2020

Stand. Com. Rep. No. 3792 (S.C.R. No. 49, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 3792 and S.C.R. No. 49, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO UPDATE AND REPORT ON TRANSIT-ORIENTED DEVELOPMENT PLANNING AND IMPLEMENTATION FOR THE KAKA’AKO COMMUNITY DEVELOPMENT DISTRICT,” were recommitted to the Committee on Energy, Economic Development, and Tourism and the Committee on Water and Land.

Stand. Com. Rep. No. 3793 (S.R. No. 28, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 3793 and S.R. No. 28, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO UPDATE AND REPORT ON TRANSIT-ORIENTED DEVELOPMENT PLANNING AND IMPLEMENTATION FOR THE KAKA’AKO COMMUNITY DEVELOPMENT DISTRICT,” were recommitted to the Committee on Energy, Economic Development, and Tourism and the Committee on Water and Land.

S.C.R. No. 27:

On motion by Senator Kahele, seconded by Senator Fevella and carried, S.C.R. No. 27, entitled: “SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAA’ALAWAI, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,” was adopted.

S.C.R. No. 28:

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

FINAL READING

S.B. No. 2877, S.D. 1, 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. 2877, S.D. 1, and S.B. No. 2877, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 2 (English, Keith-Agaran).

S.B. No. 2878, 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. 2878, and S.B. No. 2878, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MASSAGE THERAPY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 2 (English, Keith-Agaran).

S.B. No. 3054, S.D. 2, H.D. 1:

Senator Nishihara moved that S.B. No. 3054, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kahele.

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

"I rise in opposition to this bill. I feel that it is not necessary, and I want to add my comments into the Journal."

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

"This bill requires any Hawai'i resident who moves out of the State to take the affirmative step of notifying the police department of the county that he or she had registered the firearm with that the firearm has been moved out of the State within five days of that occurrence. This bill is unnecessary government 'red tape.' It infringes upon the Second Amendment right of an individual to bear arms."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3054, S.D. 2, and S.B. No. 3054, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARM REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Fevella, Riviere). Excused, 2 (English, Keith-Agaran).

S.B. No. 2701, 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. 2701, and S.B. No. 2701, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDINGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 2 (English, Keith-Agaran).

ADJOURNMENT

At 1:24 p.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 12:00 p.m., Friday, July 10, 2020.