

FOURTEENTH DAY

Thursday, February 6, 2020

The Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020, convened at 11:37 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Kim and Taniguchi who were excused.

The President announced that he had read and approved the Journal of the Thirteenth Day.

At this time, Senator Keohokalole introduced members of his staff, who were seated in the gallery: Jules Peleiholani, Kaila Kaawaloa, and Jaren Tengan. Senator Keohokalole also recognized his friend Rayne Cobb-Adams, who was present in the gallery.

Senator Kahele celebrated and recognized the fifteenth anniversary of the Legacy Land Conservation Program, and presented the following remarks:

“Colleagues, on behalf of the Hawai'i State Senate, we have the privilege and the honor this morning to recognize a fantastic program that this body created over 15 years ago called the Legacy Land Conservation Program, whose sole purpose and mission is to create a legacy of aloha 'āina for which all of our local communities are extremely grateful.

“The Hawaiian Islands are our home; it's the place we've grown up in, and I don't need to tell you that it's easily one of the most unique places in the United States of America, if not the entire world. There's a little over four-and-a-half million acres of beauty and lands throughout the Hawaiian Islands, and many of those lands, unfortunately, throughout the history of our islands, have suffered from land use and various forms of development, and, despite the regulation that this body has tried to implement, many of those important resources went often unprotected, inaccessible, and were threatened with damage and destruction.

“Fifteen years ago, in 2005, the Legislature took a look at how we can help protect these very special lands and unique places, and found that just a small portion of revenues that were being generated annually by the state were being dedicated to the preservation of these lands. Some of you were here in 2005, when the Land Conservation Fund was created and the Legacy Land Conservation Program, and since then, 15 years later, this program has protected over 21,000 acres of land across five islands. Among many other sites that the program has protected and provided grants to organizations to protect those lands that have immense cultural and historical value, as an example, are the Kuamo'o Battlefield and Burial Grounds in Kona. Additionally, the program has expanded the existing Pūpūkea Forest Reserve in northern O'ahu to over five times its original size, from fewer than 800 acres to over 4,000 acres. These are just two out of the nearly 40 sites that the Legacy Land Conservation Program has conserved and protected. Through these efforts, and with the help of public and private partners, the program continues to protect our agricultural, natural, and cultural resources, and preserve them for our keiki and generations to come.

“This morning, I'd like to recognize the following people who have helped make this program a success and who are joining us here today: the chair of the Department of Land and Natural Resources, Suzanne Case; the administrator of the Division of Forestry and Wildlife, David Smith; and, finally, the current chair of the Legacy Land Conservation Commission, William 'Butch' Haase. Finally, I'd like to thank all the staff, volunteers, and supporters of the Legacy Land Conservation

Program, and, even though they are not here today, please join me in also congratulating them on reaching this fantastic milestone. Mahalo.”

The Chair then stated:

“Before calling for the recess, I would just offer a brief comment: One of the jobs the Senate President gets to perform is a review of the recommendation as to what projects or lands they're going to expend the money on, and the President and the Speaker review for approval the list, and I'm certainly very pleased with the work that has been done. I've had no objections to any of the recommendations, and maybe have not, like you said, said 'Thank you,' enough to the department and the commission, but I hope, by always approving what you've recommended, you understand that I've been appreciative of your work and supportive of your efforts, so thank you very much for what you do.”

At 11:43 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 a.m.

STANDING COMMITTEE REPORTS

Senator Thielen, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2360) recommending that S.B. No. 2086, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2086, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES,” passed Second Reading and was placed on the calendar for Third Reading on Monday, February 10, 2020.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2361) recommending that S.B. No. 2303, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2303, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE WAHIAWA DAM AND RESERVOIR,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2362) recommending that S.B. No. 2440, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2440, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kahele, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 2363) recommending that S.B. No. 2537, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2537, S.D. 1, entitled: “A BILL FOR AN ACT RELATING

TO ACCESS TO PUBLIC PROPERTY,” passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2364) recommending that S.B. No. 2348, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2348, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BULLYING,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2365) recommending that S.B. No. 2484, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2484, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2366) recommending that S.B. No. 2664, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2664, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION,” passed Second Reading and was referred to the Committee on Judiciary.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2367) recommending that S.B. No. 2222 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2222, entitled: “A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2368) recommending that S.B. No. 2346 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2346, entitled: “A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS, PROTECTIVE ORDERS, AND INJUNCTIONS,” passed Second Reading and was referred to the Committee on Judiciary.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2369) recommending that S.B. No. 2351 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2351, entitled: “A BILL FOR AN ACT RELATING TO DIAPERS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2370) recommending that S.B. No. 2502, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2502, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD ABUSE REPORTING,” passed Second Reading and was referred to the Committee on Judiciary.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2371) recommending that S.B. No. 2677 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2677, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL IMMIGRANT JUVENILE STATUS,” passed Second Reading and was referred to the Committee on Judiciary.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2372) recommending that S.B. No. 2942 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2942, entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ruderman, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2373) recommending that S.B. No. 3117 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 3117, entitled: “A BILL FOR AN ACT RELATING TO HOMELESSNESS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2374) recommending that S.B. No. 2391 pass Second Reading and be referred to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2391, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION,” passed Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2375) recommending that S.B. No. 2387, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2387, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Shimabukuro, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2376) recommending that S.B. No. 2265, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2265, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAIIAN HOMELANDS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Keohokalole and Thielen, for the Committee on Technology and the Committee on Government Operations, presented a joint report (Stand. Com. Rep. No. 2377) recommending that S.B. No. 2836 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the joint report of the Committees was adopted and S.B. No. 2836, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2378) recommending that S.B. No. 2010 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2010, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health and the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2379) recommending that S.B. No. 2311, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2311, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPUS SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2380) recommending that S.B. No. 2673, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2673, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERCOLLEGIATE ATHLETICS," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 2381) recommending that S.B. No. 2691, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2691, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2382) recommending that S.B. No. 2703 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2703, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2383) recommending that S.B. No. 2157 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2157, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2384) recommending that S.B. No. 2716 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2716, entitled: "A BILL FOR AN ACT RELATING TO THE ANIMAL INDUSTRY SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2385) recommending that S.B. No. 2710, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2710, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2386) recommending that S.B. No. 2711, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2387) recommending that S.B. No. 2099, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2099, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2388) recommending that S.B. No. 2726, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Health.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER FEE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Health.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 2389) recommending that S.B. No. 2705 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2705, entitled: "A BILL FOR AN ACT RELATING TO

THE IMPORTANT AGRICULTURAL LAND QUALIFIED AGRICULTURAL COST TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 2390) recommending that S.B. No. 2193 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2193, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kidani, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2391) recommending that S.B. No. 2486, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Kahele, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 2486, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION DATA," passed Second Reading and was referred to the Committee on Judiciary.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2392) recommending that S.B. No. 585, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2392 and S.B. No. 585, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-LEVEL MINOR REPAIRS AND MAINTENANCE SPECIAL FUND," was deferred until Monday, February 10, 2020.

ORDER OF THE DAY

THIRD READING

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

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kim, Taniguchi).

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

S.B. No.: Re-referred to:

S.B. No. 2004 Committee on Commerce, Consumer Protection, and Health, then to the Committee on Ways and Means

S.B. No. 2567 Committee on Government Operations, then to the Committee on Ways and Means

The Chair then informed the members that Dealer Day would be taking place in Room 329 that afternoon.

ADJOURNMENT

At 11:49 a.m., on motion by Senator Kahele, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Friday, February 7, 2020.